

INTERNATIONAL COURT OF JUSTICE

CASE CONCERNING ARMED
ACTIVITIES
ON THE TERRITORY
OF CONGO

DEMOCRATIC REPUBLIC OF CONGO
V.
UGANDA

COUNTER-MEMORIAL
SUBMITTED BY
THE REPUBLIC OF UGANDA

VOLUME II
ANNEXES

21 APRIL 2001

VOLUME II

ANNEXES

INDEX OF ANNEXES

IN CHRONOLOGICAL ORDER

VOLUME II

- 17 Sept. 1990
Annex 1: Report on Uganda/Zaire Matters of Security Concern to Uganda presented by Amama Mbabazi, then Director General of the President's Office, to the Administrator General, National Documentation Agency, Zaire, 17 September 1990 (obtained from Chieftaincy of Military Intelligence)
- 19 Aug. 1995
Annex 2: Minutes from Meeting of "Elders" of the West Nile Bank Front Military High Command, 19 August 1995 (obtained from Chieftaincy of Military Intelligence)
- 31 Aug. 1995
Annex 3: Report of the Ugandan Delegation to the 2nd Regional Border Meeting Between the Districts of Kisoro, Kasese, Rukungiri, Bundibugyo, Bushenyi and North-Kivu Province (Zaire) 28 - 31 August 95 Held at Mbarara (obtained from Chieftaincy of Military Intelligence)
- 23 Mar. 1996
Annex 4: Letter From West Nile Bank Front Military High Command to Major Motindo, Imbokolo, Zaire, 23 March 1996 (obtained from Chieftaincy of Military Intelligence)
- 24 Apr. 1996
Annex 5: Report Regarding Enemy Attack on Kisoro Detachment, 24 April 1996 (obtained from Chieftaincy of Military Intelligence)

- 10 June 1996
Annex 6: Situational Report from Resident District Commissioner/Kisoro on Activities of Hajji Muhammed Kabeba's Group in Zaire, 10 June 1996 (obtained from Chieftaincy of Military Intelligence)
- 15 June 1996
Annex 7: Operational Report Covering Period from 22 April 1996 Up to Date, 15 June 1996 (obtained from Chieftaincy of Military Intelligence)
- July 1996
Annex 8: Human Rights Watch/Africa, *Zaire: Forced to Flee, Violence Against the Tutsis in Zaire*, Vol. 8, No. 2(A), July 1996
- 16 Sept. 1996
Annex 9: United Nations Economic and Social Council, Report on the situation of human rights in Zaire, prepared by the Special Rapporteur, Mr. Robert Garretón, in accordance with Commission resolution 1996/77, E/CN.4/1997/6/Add.1, 16 September 1996
- 20 Sept. 1996
Annex 10: Combat Analysis Report on WBNF in West Nile, 20 September 1996 (obtained from Chieftaincy of Military Intelligence)
- 15 Oct. 1996
Annex 11: Minutes of District Security Situation Review Meeting Held at Bunagana on 15 October, 1996 (obtained from Chieftaincy of Military Intelligence)
- 2 July 1997
Annex 12: Report Regarding Threat Assessment in South Western Districts Kisoro, Kabale and Rukungiri, 2 July 1997 (obtained from Chieftaincy of Military Intelligence)
- 13 Sept. 1997
Annex 13: Monthly Report for the Month of August 1997 Regarding General Security Situation in the Area of Mbarara, 13 September 1997 (obtained from Chieftaincy of Military Intelligence)

- Oct. 1997
Annex 14: Human Rights Watch/Africa, *The Democratic Republic of the Congo: What Kabila is Hiding*, Vol. 9, No. 5(A), October 1997
- Jan. 1998
Annex 15: Human Rights Watch, *World Report 1998: The Children's Rights Project*, January 1998
- 1998
Annex 16: Training Agreement between the Government of the Republic of Uganda and the Government of the Democratic Republic of Congo for the Training in Public Order for the Police of the Democratic Republic of Congo
- 6 Feb. 1998
Annex 17: Report Regarding Security/Military Situation in Eastern Congo (27 January - 4 February 1998), 6 February 1998 (obtained from Chieftaincy of Military Intelligence)
- 13 Feb. 1998
Annex 18: Situational Report, 13 February 1998 (obtained from Chieftaincy of Military Intelligence)
- 27 Apr. 1998
Annex 19: Protocol dated 27 April 1998 Between the Democratic Republic of Congo and Republic of Uganda on Security Along the Common Border
- 27 June 1998
Annex 20: Report of Interrogation of Captured ADF Rebel Fred Tukore, 27 June 1998 (obtained from Chieftaincy of Military Intelligence)
- 9 Aug. 1998
Annex 21: Statement by H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda, on Background to the Situation in the Great Lakes Region, 9 August 1998
- 13 Aug. 1998
Annex 22: Human Rights Watch Press Release, "HRW Alarmed About Radio Broadcasts and the Incitement of Ethnic Violence in the DRC," 13 August 1998

- 21 Aug. 1998
Annex 23: Letter dated 21 August 1998 from the Embassy of the Republic of Uganda to the Ministry of Foreign Affairs of the Democratic Republic of Congo
- 23 Aug. 1998
Annex 24: Communique of the Summit Meeting of the SADC on the Democratic Republic of the Congo, 23 August 1998
- 3 Sept. 1998
Annex 25: Amnesty International, *Democratic Republic of Congo: A Long-standing Crisis Spinning out of Control*, AFR 62/033/1998, 3 September 1998
- 8 Sept. 1998
Annex 26: Joint Communique of the Second Victoria Falls Summit, 8 September 1998
- 11 Sept. 1998
Annex 27: Position of the High Command of Uganda on the Presence of the UPDF in the DRC, 11 September 1998 (obtained from Chieftaincy of Military Intelligence)
- 18 Oct. 1998
Annex 28: Communique of the East African Co-operation Heads of State Summit on the Security Situation in the Democratic Republic of Congo, 18 October 1998
- 20 Oct. 1998
Annex 29: Press Statement by United States Department of State regarding the Congo Conflict, 20 October 1998
- 27 Oct. 1998
Annex 30: Media Statement Issued by the Regional Meeting of Ministers of Foreign Affairs and Defence on the Situation in the Democratic Republic of Congo Held in Lusaka, Zambia from 26-27 October 1998
- Nov. 1998
Annex 31: Uganda's Position on Issues of Peace and Security in the Great Lakes Region, November 1998

- 16 Dec. 1998
Annex 32: Letter dated 15 December 1998 from the Permanent Representative of Uganda to the United Nations Addressed to the President of the Security Council, S/1998/1180, 16 December 1998
- 18 Dec. 1998
Annex 33: Letter dated 18 December 1998 from the Ministry of Foreign Affairs of the Republic of Uganda to the DRC Ministry of Foreign Affairs
- 1999
Annex 34: Jean-Claude Willame, *L'Odyssée Kabila: Trajectoire pour un Congo nouveau?* (Karthala Press, 1999), pp. 222-23
- 16 Jan. 1999
Annex 35: Communique of the Regional Meeting of Ministers of Foreign Affairs and Defence on the Situation in the Democratic Republic of Congo held in Lusaka, Zambia from 14th to 16th January 1999
- 18 Jan. 1999
Annex 36: Press Release on Summit of Regional Leaders on the Situation in the Democratic Republic of the Congo, held in Windhoek, Namibia, 18 January 1999
- Feb. 1999
Annex 37: Human Rights Watch, *Democratic Republic of Congo: Casualties of War -- Civilians, Rule of Law, and Democratic Freedoms*, Vol. 11, No. 01(A), February 1999
- Mar. 1999
Annex 38: Human Rights Watch, *Background Paper on Slavery and Slavery Redemption in the Sudan*, March 1999
- 1 Mar. 1999
Annex 39: Memorandum dated 1 March 1999 from Colonel Henry Tumukunde to H.E. Yoweri Museveni Regarding Kidnap of Foreign Tourists in Bwindi (obtained from Chieftaincy of Military Intelligence)

- 1 Mar. 1999
Annex 40: Rough Translations of Notes Left on Bodies of Executed Hostages and Letter Sent with Released Hostage, Bwindi Impenetrable National Park, Uganda, 1 March 1999 (obtained from Chieftaincy of Military Intelligence)
- 10 Mar. 1999
Annex 41: Report on Proceedings of the 156th Session of the International Civil Aviation Organization (ICAO) Council, Montreal, Canada, 10 March 1999
- 23 Mar. 1999
Annex 42: Statement by Hon. Amama Mbabazi to the United Nations General Assembly, 95th plenary meeting, A/53/PV.95, 23 March 1999
- 17 Apr. 1999
Annex 43: Press Statement on the Second Meeting of the Committee on the Implementation of the Ceasefire Agreement in the Democratic Republic of Congo, held in Lusaka, Zambia, from 16-17 April 1999
- 1 June 1999
Annex 44: Joint Communiqué Issued by the Republic of Uganda and the Democratic Republic of Congo, 1 June 1999
- 10 July 1999
Annex 45: Agreement for a Ceasefire in the Democratic Republic of Congo (“Lusaka Agreement”), S/1999/815, 10 July 1999

TELEGRAMS: "ADMINISTER" KAMPALA.
TELEPHONE: 54881/8, 43934, 43943, 43926 & 41176.



THE REPUBLIC OF UGANDA

PRESIDENT'S OFFICE.
PARLIAMENTARY BUILDINGS,
P.O. BOX 7168,
KAMPALA, UGANDA.

IN ANY CORRESPONDENCE ON
THIS SUBJECT PLEASE QUOTE NO. B1/90

17 SEPTEMBER 1990

The Administrator General
National Documentation Agency
Kinshasa
ZAIRE

Dear Sir

RE: UGANDA/ZAIRE MATTERS OF SECURITY CONCERN TO UGANDA

I have the honour to present to you the attached detailed report of matters of security concern to Uganda Government, in the relationship between our two countries, as I promised in our last meeting on 9 September 1990.

In order to consolidate the good neighbourliness between our two countries could you address the issues raised in this report.

With compliments, I remain,
Truly

AMAMA MBABAZI
DIRECTOR GENERAL

UGANDA/ZAIRE SECURITY CONCERNS

1. ARMED ATTACKS INTO UGANDA

Armed Zaireans have been attacking some border areas in Uganda, particularly Rwenshama fishing village in Rukungiri district, committing robberies and terrorising the masses there. Consequently, Ugandans have lost the following properties:

On 22.4.90 Mr. MUGISHA lost 45 fish-nets

24.5.90 36 fish nets were lost from Mr. BENON
NSHEMEREIRWE's boat No. K. 138.

23.6.90 30 fish nets were lost from Mr. BYAMUGISHA
KIJURA's boat;

Mr. BAGASHA who was on the boat, was kidnapped to unknown destination and has not returned since then.

7.7.90 Mr. JOHNSON BAGUMIRE lost boat No.K. 128 with
40 fish nets; Mr. MUGISHA ZEFERINO lost boat
NO. K. 112 with 50 fishnets.

10.8.90 Mrs. SSEMBEBA lost one boat engine and 47
fish nets.

2. HARRASSMENT OF UGANDANS IN ZAIRE

i Zairean security officials have been arresting, detaining and torturing Ugandans, as evidenced by the following incidents:

On 6.3.90 Mr. BAYANGA PETER, a businessman was arrested in Zaire and released several days later, after his money had been stolen by Zairean security officials.

12.3.90 Some Ugandans who had crossed to ISHASHA market were harrassed by Zaire soldiers, and one FRED KAPERRE, a Ugandan was arrested and released after 20,000/= was extorted from him.

6.6.90 Zaire authorities arrested 4 Uganda officials who had crossed to ARIWALA market. The Ugandans were released on 2.9.90 after being severely tortured. They were:

MWAKA BERNARD, ABUKAL HARRAN, KABO MAWANDA and RWANYAKA-CWAMBA.

14.6.90 3 Ugandan businessmen were arrested in ARU, Zaire and by early September 1990 they had not been released. These were:

YASSIN DAUDI, SULEIMAN MOHAMMED and ARAFATA TABAN.

22.7.90 At SONGO-LENDU landing shore, Zaire soldiers kidnapped 4 Ugandans ie OWINY GODFREY, ODAGA GODFREY and OGWAANG OZELE.

- ii Some Ugandans were killed in Zaire, eg.

In early May 1990, Zairean authorities killed the following Ugandans who had crossed to Zaire:

RUKYERA, RWASISHANA, MUGIRIMANA, TURYAMUREBA MUBAMBI, NYANSIO, TUMURANZYE, KADOGO, KATEMBA AND BYANDUSYA.

On 18.6.90 4 Ugandans were killed in Virunga National Park of Zaire.

3. CAR THEFTS

Armed thugs have been stealing vehicles from Uganda and crossing into Zaire. Zaire security officials along the border allow the robbers safe passage and give them protection of Zaire.

i Car robbery incidents

28.8.89 A Toyota Land Cruiser No. UXU 981 belonging to (Medicine San-Son Frontiers (MSF) was stolen from Nebbi district and crossed to Zaire.

19.9.89 A Motor vehicles No. UPA 703 Tata Lorry was stolen from Uganda by 7 armed thugs who crossed to Zaire with it.

11.10.89 2 armed thugs robbed a motor vehicle No. UWS 999 a Mercedes Benz, and crossed with it to Zaire.

27.2.90 11 armed men led by ADINANI, a notorious Ugandan car robber hiding in Zaire, robbed a Tata Lorry No. UPW 161, belonging to Arua Cooperative Transport Society and crossed with it to Zaire.

ii Lack of cooperation from Zaire authorities in dealing with car robbers

On 25.5.90 Zaire authorities rounded up the following Ugandan car robbers based in Zaire:

ADINANI NASURU, ABDU MADHIVA, SHALA SHOLABA, FESTO AFETA, WILFRED AGOTA, ONHAMA FELIX, ABIMA KEMISI, SHELEMAN OBHITRE, SOSO KELE, and EDWARD SIMBA. When the District Administrator, ARUA approached Zaire authorities in ARU, to secure extradition of these thugs, Zairean military authorities demanded Ushs 2 million, as a bribe for them to release the criminals.

iii The following cars were stolen between 1987 and 1989 from UGANDA and crossed to Zaire where they were re-registered:

<u>OLD REG. NO.</u>		<u>NEW REG. NO.</u>
UXI 021	Mitshubishi	H.Z 9561
UWN 423	Mercedes Benz	KN 7668 J
UXS 404	Toyota	KN 7721 M
UXT 641	Toyota	KN 0343 M

Other Uganda vehicles in Zaire, bearing Zaire Registration Numbers are:

<u>Reg. No.</u>	<u>Make</u>	<u>Type</u>
KN 5694 C	Pajero	
KN 9597 B	"	
KN 0844 L	"	
KN 8118 M	Tata	Lorry
KN 1380 K	Fiat	"
KN 7721 M	Toyota	Corolla
KN 9938 B	"	"
KN 7969 M	Isuzu	Trooper
KN 7520 J		
KN 9556 M		
KN 0386 N		
NZ 9561 B	Pajero	
NZ 0307 C	Toyota	Corolla
NZ 0288 C	"	"
NZ 0258	"	Pick up
NZ 0276 C	Isuzu	Trooper
NZ 5172 C	"	
NZ 9009 B		
NZ 8164 M		
NZ 0607 B		
NZ 7752 D		
NZ 0202 B	Mercedes Benz	Car
NZ 0386 C	Mini	Bus
NZ 3289 C	Suzuki	

4. UGANDAN DISSIDENTS IN ZAIRE

i Dissident Groups

a. NATIONAL MOVEMENT FOR LIBERATION OF UGANDA (NMLU)

Amon Bazira	BENI
Amos KAMBERE	"
Stephen BALUKU	"
Fenhanzi BWAMBALE	"

Lt. Col. KASHIRINGI	BENI
Lt. MULIWABYO JULIAN	KIKURA
Lt. MUSANGE TOM	"
Dr. KIHANDI	LUME TRADING CENTRE

b. FORMER UGANDA SOLDIERS OF AMIN (FUNA)

Maj. Gen. Isaac LUMAGO	
Brig. Dusman SABUNI	
Brig. Isaac MALIYAMUNGU	
Brig. TABAN LIPAYI	
Col. Elly HASSAN	
Maj. GALA	
Maj. JUMA AYIGA	- MBOKORO
Capt. Ali MUSA	-
Capt. ARIBAKU	- ALIWARA
Lt. ADUDU	
Lt. YASIN	
SHABAN AYOO	- ALIWARA

c. NINTH OCTOBER MOVEMENT (NOM)

Lt. col. ATHOCON	- MAHAGI
Capt. ONEN	- "
Capt. OKECHA	- "
Capt. OPETU	- "
ABEL SIMBA	- "
ABDU MECHO	- DJEGU

COMMENT: Most of these dissidents had been arrested by Zaire authorities but were later released.

d. SANCTUARIES OF ANTI-UGANDA DISSIDENTS IN ZAIRE

MUMBILI	-	in Rwenzori Mountains
BAFASENDU	-	in Ituri Forest

YAMBAYO Bunia
OMBOKE

LUME Beni Zone
KIBATA

e. COLLABORATION BETWEEN THE DISSIDENTS AND ZAIREAN AUTHORITY

On 1.6.90, Uganda dissidents held a meeting at MUTAWA military barracks chaired by a Zairean, Maj. TAMBWE. Among the Uganda rebels who attended were:

FRED MUKASA, HAJI TIBAHA, Haji JUMA, Brig. DUSMAN, SABUNI and Capt. ABDULHAI. The meeting was called to discuss a strategy for fighting NRM Government.

f. MEETINGS OF UGANDAN DISSIDENTS IN ZAIRE

On 1.6.90 Ugandan rebels belonging to FUNA, held a meeting at EMBOKOLO chaired by Lt. Col. ABDULLATIFF and attended by among others Brig. DUSMAN SABUNI, Maj. Gen. ISAAC LUMAGO.

On 21.6.90 rebels held a meeting at Embokolo chaired by Capt. OKWERA and attended by among others Lt. ALI CHAKU.

g. ATTACKS BY UGANDAN DISSIDENTS BASED IN ZAIRE

- i On 23.4.90 about 60 rebels attacked NRA at Ndandu-Kisinge sub-county. The rebels who sustained serious casualties, were taken to Nyakundi in Zaire for treatment.
- ii In early July, 1990, some Ugandan rebels under the command of ADINANI, NSIMBA and MADIRA fired at an NRA Post located at Gombe - Koboko county, Arua District. This group was arrested in Zaire. Uganda government demanded their extradition but Zaire authorities refused to extradite them.
- iii On 18.7.90 4 armed thugs fired at NRA troops at ADRAMACAKU along the Uganda/Zaire border after which the group withdrew inside Zaire.
- iv On 11.8.90, 20 armed rebels of Bazira's group attacked Kilembe Mines and shot 2 guards and attempted to blow up electricity substations at Bugoye.

5. VIOLATION OF UGANDA'S AIR SPACE AND TERRITORIAL BORDERS

- i On 2.4.90, a helicopter from Zaire illegally entered Uganda and hovered over Rwenshama fishing village before returning to Zaire.
- ii On 11.4.90 armed Zairean soldiers entered Uganda via Busunga, Bunyanguge, Kikora and Kisiri in Bundibugyo.

Meeting - the Elders / M.H.C 19/8/95 A/20
 opened 10:06 hrs.

Introduction of the meeting was by a Adm. to chairman M.G.
 Opening the ch/man M.H.C thanked almighty God and Saluted Sudan Govt.
 he cont. introducing this war is U/leadership of H.E. he continued telling
 the story of the formation of this movement, in assisting Sudan Army in
 destroying S.P.L.A N.R.A. until Sudan accepted to assist us with arms.
 He urged the political wing not to surrender assisting young men
 in the field with ciga, papers, salt, soap etc which he thanked alot.
 and also saluted them of coming in m n see Kaya

→ Mr. Mohamed Lujai opened by presenting greetings from elders for capturing
 Kaya from S.P.L.A / N.R.A.
 He also introduced greetings from elders inside Uganda.
 - He saluted H.E Omar basir and Sudan govt. of assisting us with arms,
 and he called all to unite and kick M-7 N.R.A/M with Segregation
 because Throu unity no war.
 He said they don't have much to say but it was too much excitement
 to come and witness if our children have captured Kaya.

They presented the following to M.H.C:

① 3 cows ② 2 goats ③ 1 sack of c/floor ④ few plates ⑤ G/nuts
 and they promise to go back and win the rear Campaign against enemies
 - They saluted M.G and all offrs/men in the field and urged them to
 continue their best Comd Structure without negligence. till God will
 one time accept us, he called all that unity is strength. by
 division is ~~failure~~ Torture

Ag. Div Comdr col S. Atocan requested the room to allow him to convey
 two words of greetings to the elders who visited M.H.C.

① He saluted the leadership of M.G and accepted that we shall always
 obey your order of command without any objections.

② Turning to greet elders the col also introduced to the elders both
 work of mil/political which without unity there will be now and without
 mil men no politicians.

He cont. that you pol must respect yourselves and be ready to resume yr
 leaderships and unite with other pol organs and be ready to issue equal
 pol indication destruction of leaderships.

He urged all pol wing always to be straight advisers to ch/man M.H.C
 and our main aim is to rescue all Ugandans from too much bloodshed
 which our UG have sufered for so long.

→ ch/man political wing Mr Allai Dada first thanked God and his prophet.
 Then he Congratulated M.G with all his Commanders of re-Captured the
 lost Kaya which was stolen by En S.P.L.A / N.R.A since 1990 Jan.
 He himself never knew when Kaya could be re-captured simply
 without a simple injury. he cont. saying his next address may be
 in Arua or Kampala if God wishes but he repeated to M.G to handle
 all these children as his own without rejecting one.
 He also urged all comdrs not to repeat looting and reaping women
 drunkardness and forgetting war and come back as Oct 1980.
 He called all comdrs to struggle and bring back our boss H.E back to
 our best leadership but forget of hunger power, which we witnessed from
 the fore comdrs who were fighting for their own Economy. He urged M.G with
 his comdrs to be very strictly on Economy and wealth of civilians now
 in U/while and M-7 is trapping our men if they lost, M-7 will manage us
 with his politics.
 He said on the day Kaya was captured all religions inside Zaire, Sudan and
 Uganda prayed very much to God to assist M.G with his offrs/men to
 win M-7 and J.Garang

give some for our goal.

→ Zone Chairman Aruku Eno. Also introduced the greetings of his people in the Area of Kibi and called both M/Pol not to miss this goal without segregation, but if we miss, we don't know where to go next, which we gave example of Israelites in Exile.

He indicated that the heaviest war is in Sudan

→ Vice Jean Pierre Yoh - Selected officers/en are fighting this En. and said God will assist you and we introduced him as a Zairios and introduced M/Pol Brolega who called all Eorreas to join and assist with along with we come up to assist with one cow to Col Maleya but that came back to Sudan and in 1986 Brig Abdallah came to Arvi to unite us to fight in 2, here he came with him to assist and said we will never get tired to assist here to be used in Kent since earlier and he stayed mostly in Uganda as a real citizen.

→ The C/ma Alai introduced those who donated the 3 cows were as follows
1-mr Bruky, 2-Emu } Zairios
2-mr Jean Pierre Yoh }
3-mr Mansur Amin Gama }

Goats from ① Mr Azuga Gbakota
② Guya Angaika

→ Mr. Solema Aho, thanked God to return him today to his mother land and assured the team that we have lost our mother land and we are rearing about like chickens which have lost their mother, and urged all donations to be recorded for future.

He called all and remembered our foreign forces had been touching our people and it is now enough.

→ M/S reported to elders not to leave Mil Men alone in the field without advice; he called all elders to pray and always advise our parents respect civilians humanitarian rights, being as they are our parents and we are going to rescue them from slavery.

He cont. introducing M/S Gidi on introducing too much different points and in different ways; wanted to person our men not to topple N.E.A/M he also called all Comdr. to follow what the elders have said and he said any comdr. who fails to maintain his duty and command he will face the law - and he also urged and ordered all civilians of Uganda not to be threatened by any Mil personnel, if any soldier misbehave to our civilians that soldier must face Mil acts.

→ Alai baba accepted on the orders of Mil concerning disturbing civilians with looting and if possible M.N.C must issue them with an also to defend Mil (disobedient) while seconded by Mr M. Ugei; pa they all pray that the same must not repeat.

Then the meeting was closed by prayers at 01:00 PM

[Signature]
Ratiba capt.

2ND REGIONAL BORDER MEETING BETWEEN THE DISTRICTS OF KISORO, KASESE, RUKUNGIRI,
BUNDEBUJO, BUSHEBYI AND NORTH-KIVU PROVINCE (ZAIRE) 28 - 31 AUG 95 HELD AT MBARARA

REPORT PRESENTED BY UGANDAN DELEGATION

Following the Uganda/Zaire border meetings of Rukungiri (Jan 92) Kasese, (Sep 92) and that of Goma (Apr 95) respectively, several issues remained untackled. In due regard, the Uganda delegation for the 2nd border meeting presents the following issues that it feels can be solved by such meeting.

(1) SECURITY POLITICAL

- A. ACTS OF PROVOCATION BY ZAIREAN GOVERNMENT
- B. HARRASMENT OF UGANDAN CITIZENS
- C. ROBBERY
- D. VIOLATION OF UGANDAN AIRSPACE
- E. VIOLATION OF IMMIGRATION LAWS

(2) ECONOMIC

- A. BORDER TRADE
- B. ESTABLISHMENT OF COMMUNICATION LINK BETWEEN NORTH KIVU AND UGANDA BY ROAD (TRANSPORT)
- C. CUSTOMS
- D. TOURISM
- E. FISHERIES

(3) SOCIAL

- A. FAILURE OF THE ZAIREAN CONSULATE (KASESE) TO MEET ITS FINANCIAL OBLIGATION
- B. UGANDAN PROPERTIES IN ZAIRE
- C. REFUGEES (UGANDANS)
- D. CULTURAL EXCHANGES

(4) A.O.B

SECURITY /POLITICAL

ACTS OF PROVOCATION BY ZAIREAN GOVERNMENT

Uganda has noted with great concern that acts of aggression such as mobilisation training and arming of Uganda rebels are being carried out from Zaire.

Cases in point

(i) In Feb 1995, Hamis Kanyo dekwu and seven others, all former Rwandese militiamen from Goma camp crossed from Zaire and joined a rebel group in Buseruka-Hoima in Uganda. On capture, they implicated the Zaire Government.

(ii) In bid to raise manpower, the Zaire Government with the authority/knowledge of Zaire Govt has her allies been mobilising, recruiting and transporting Ugandan youths and soldiers of the defunct Uganda army (UA) and (UNLA) from refugee camps in N.E HAVI Zaire into West Nile Bank Front (WNEBF) Uganda rebel organisation of Lt Col Juma Oris. These WNEBF recruits and others mobilised from N.Western Uganda cross into Sudan through IMGOKOLO (MBOKOLO) and BAZI.

(iii) Further to (ii) above, trained west Nile Bank rebels leave the Sudan, and enter Zaire through Baazi and go through Mbokolo, Gombe and Arua and enter into Uganda with anti-tank mines through our Western border with Zaire. These mines have been planted on roads inside Arua district in Uganda. So far there have been seven incidences in such mine explosions destroying vehicles, killed and injured a number of innocent civilians.

(iv) Rebels of West Nile Bank

building with an RPG in Koboko town. The rebels retreated into Zaire while firing several rounds.

(v) On 19 May 95 four Ugandan rebels entered Uganda from Bunia and attacked Paidha Uganda Commercial Bank. The attackers had intended to rob paidha UCB branch. 03 of the attackers were however killed and 03 rifles captured from them. The fourth escaped and entered Zaire with a pistol. Two Uganda policemen were injured in the attack.

(vi) On 09 Aug 95 Zairean troops crossed into Uganda and seriously wounded Sefuroza Mbambu a refugee woman from Bulyata village., Bunyangule parish bordering Zaire.

(vii) On 04 Oct 94 a mortar shell was fired into Uganda by FAZ at Kabuyiri near Mpondwe border post.

(viii) On 08 Mar 95 FAZ conducted a military exercise at Kyeshero/Butogota near Uganda border, an act that caused a lot of panic to the local Ugandans at the border.

(ix) On April 95 one ASUMAN KIHATWE a suspected Zairean Intelligence agent/SNIP was arrested at Butogota.

(x) On 18 Feb 95 a Zairean lady called Shakala Kateike suspected of espionage was arrested at Mpondwe while in possession of a hand grenade.

(xi) On 10 Jun 95 a Zairean Captain armed with a pistol crossed into Uganda at Busunga customs.

(xii) On 13 Jun 95 a Zairean Captain of Kasindi army unit crossed into Uganda and threatened the 2i/c 21 Bn of possibly launching an attack against Uganda. This followed the death of a Zairean businessman, one Baluka who had been killed on 10 Jun 1995, 300 meters inside Zaire.

(xiii) On 11 Jul 95 three armed Zaireans crossed into Uganda and murdered one Malabiri and Christopher Mbonyu in Gishita village, Nyarusiza sub county Kisoro district.

(xiv) On 19 Aug 95 a Ugandan by the names of Julius Tembo was shot inside Zaire for unknown reasons and is currently undergoing treatment.

(xv) Zaire continues to harbour Ugandan rebel commanders who launch attacks on Uganda from Zairean territory.

For example :

- (1) Hosea Muhindo
- (2) Maj Gen Lumago
- (3) Lt Col Kisule
- (4) Comd Denis Lukale
- (5) Amos Kambere
- (6) Haji Kabeba
- (7) Lt Col Abdalattiff
- (8) Ngaimoko
- (9) Lt Col Athochon and others

B. HARASSMENT OF UGANDAN CITIZENS

Ugandans on business trips in Zaire do complain of harassment, extortion of money and confiscation of their travel documents at Kasiudi and Rumangabo roadblocks.

C. ROBBERY

On 21 Jul 95 four heads of cattle belonging to John Sendege of Gasovu, Nyarusiza in Kisoro-Uganda were robbed and taken to Zaire by Zaireans. In the process of this robbery two bullets were shot in Gasovu, Nyarusiza sub county in Kisoro by the robbers.

D. VIOLATION OF UGANDA AIR SPACE

(i) In the afternoon of 21 Feb 95 in Kasese, three Zairean military aircrafts overflew areas of Kitoma, Bwera and nakinyumbi in Uganda and flew back to Zaire.

(ii) In Jul 95 a Zairean aircraft overflew Kisoro in Uganda and back to Zaire.

E. VIOLATION OF IMMIGRATION LAWS

Cases of illegal entry into Uganda by Zaireans

2. ECONOMIC

A. Border trade

Uganda notes with concern that whenever there have been incidences of a security nature, Zairean authorities have over reacted at times closing the border. This has often led to ~~closure~~ of Kasindi, Mpondwe and Bunagara markets causing unnecessary suffering to the border citizens.

B. COMMUNICATION LINK

Border tensions have many times interfered with inter-country communication. Free movements should be encouraged as it helps in clearing unnecessary suspicions.

C. CUSTOMS

D. TOURISM

The encroachment on Mgahinga National Park by Zaireans undermines the tourist industry which is a major source of income for Uganda.

E. FISHERIES

Violation of territorial waters by Zairean fishermen have been noted especially on lakes, Edward and Albert.

3. SOCIAL

A. The Zairean Consulate in Kasese has for the last two years not made its financial obligations e.g house rent. This act is likely to ~~sew~~ ^{sew} the existing good relations with the local population.

B. Uganda property in Zaire.

- Some robbed/stolen vehicles and motorcycles from Uganda are in Zaire. Motor vehicle registration number UXU 442 (Land Cruiser) belonging to Arua Diocese is currently being driven by an immigration officer at Bunya and motorcycle UM 1460 belonging to the Uganda medical department is also seen in Bunya.

C. UGANDAN REFUGEES IN ZAIRE

Voluntary repatriation of Ugandan refugees should be encouraged.

D. CULTURAL EXCHANGE

Exchange in sports, music and other fields should be encouraged.

4. A.C.B

- 25.5.95 Mr Okia Hamington - 57 yrs driver of U.C.T.U assaulted and robbed of 80,000/= at Rumangabo
- 25.5.95 Mr Julius Bakumba aged 42 yrs driver of U.C.T.U UWS 818, assaulted and robbed of 50 litres of diesel and spare tyre.
- 26.5.95 Mr Siraje Zaribwende 52 yrs assaulted and robbed of \$ 35 and 25 litres of diesel.
- " Mr Santo Bakanebwa aged 40 yrs assaulted and robbed of \$ 35 and 25 litre diesel.
- " Mr Kakooza Joseph aged 72 yrs robbed of 15,000/= and 25 litres of diesel.

Military High Command
Uganda Army
West Bank

23/3/96

Major Motendo
Ingbokoto

Z. PIRE Butete

Thru Lt. Ref: Misconduct on frontier

I have received your message through our Coordinator Yusuf Abdallah of Ingbokoto, and I appreciate the good understanding which you have handled the misconduct issue in a diplomatic way.

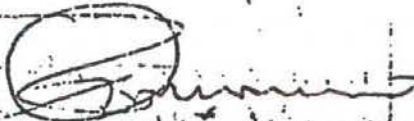
However the action of some of the soldiers is not what was dictated to them. It's good that you had decided to hand over the culprits crippling our good relationship but we promise to advise our troops not to enter your territory armed without informing your authorities. I would request you also to release Lt. Said Ihe whom we believe is under arrest at Lombe. He was on an official duty but unfortunately we were surprised to hear of his arrest. I hope you will use your good office to deal with the issue positively.

This letter will cement our good relationship existing since our movement

~~Started~~
We shall continue communicating
through our coordinator Yusuf
Abdallah of Inghokolo in case of
delicate security issue.

I have entrusted Col Moses Galen
to come and represent me and hope
to meet in person in near future

Copy to:
Lt. Yusuf Abdallah
Inghokolo.


(Juma Orib Abdallah) PSC
Maj. Gen
Chairman MHC

HQ 2 INF DIVISION
P O BOX 1559
MWARARA

Tel: 20180, 21409 21416

Fax: 20150

TO: 2 DIV COMD

FM: 2 DIV I.O

SUB: EN. ATTACK ON KISORO DETTACH

CLF: CONFIDENTIAL

DOR: 24.04.96

Text

1. On 22.04.96 around 0600 hrs an enemy group attacked a dettack of 25 Battalion in Kisoro. The said defence is located in Kisoro town on Chanika road. The enemy managed to penetrate the defence to the armoury after releasing 66 prisoners from the Gov't prison just opposite the barracks (almost in the same defence). They took over the armoury after killing the soldiers who were trying to repulse them. All arms and ammo were taken out of the store and put out side. Some were immediately handed out to their colleagues who had come unarmed while their overall commander moved to Travellers Hotel near the defence with one UPDF soldier (Captive) and commandeered an NGO Land Cruiser from a white couple. This was the vehicle intended for carrying away the arms during withdrawal. This plan failed as the commander seemingly got excited and drove the vehicle to the middle of town and tried to call people and talk to them. It was during this confusion that the reinforcement arrived and engaged the enemy still in the barracks killing 07 of them including 04 rebel commanders. The vehicle which had been commandeered was intercepted at the defence and shot at/grounded as the rebels using it were also killed in the process.

2. The enemy group, according to information from the 07 captured rebels interrogated separately were not more than 20 and had 04 rifles, 19 Tortoise Grenades, 04 anti-tank grenades, 07 stick grenades and about 200 rounds of ammo. They also had several pangas. For food they carried roasted cassava and U/nuts. They were dressed in civilian clothes.

3. The above group, calling itself U.N.A (Uganda National Army) is under Hajji Muhammad Kabeba and was formerly called UNDA. The attack in Kisoro was meant to be coordinated with the UNDF incursion into West Nile. The so-called UNA was hastily put together barely 2-3 days before 22.04.96. The majority of the rebels except for may be about 05 "Comds" were bayaye boys recruited from Butahuru Trading centre by Kabeba's agents. The group moved from Kabeba's residence in Butahuru Trading centre up to the Uganda - Zaire border at Buzanza where they stealthily crossed the border and entered a short distance inside Uganda and hid in a forest for the whole day. At 20:00 hrs on 21.04.96 the group moved towards Kisoro on the Buzanza road. Upon reaching the Buzanza-Bumagana junction, they hijacked a pickup which was moving early morning on work, tied the driver and turnboy and drove it loaded with the rebels up to near the defence where they disembarked and chased the driver. The unarmed group was left near the defence in cover while the armed rebels went to Govt prison, released them and proceeded to the armoury.

4. ANALYSIS

able

The rebels were to succeed in disorganising the detach due to the following reasons:-

- (a) They did thorough recon to know that our men were disarmed for an ongoing training exercise and that the guns were in the armoury.
- (b) The security routine was studied and all loopholes exploited.
- (c) They knew that reinforcements from Kabale would take not less than 03 hours which is enough time to break into stores, steal arms and cross back to Zaire.

5. OWN MISTAKES

(1) 25 Bn, being deployed on the border with a hostile neighbour like Zaire, various enemy/dissident groups based there and an armed interahamwe/ex FAR force just across the border should never have relaxed even for a single day. Just less than 02 weeks previously, several infiltrations were experienced from Interahamwe from Zaire to N.W Burundi going to engage RPF. All these facts were known to 25 Bn authorities. I personally sent a message DTG 2016100 Apr 96 warning all border units to be extra vigilant in anticipation of an infiltration to disorganise our campaigns/elections. This is a sector receiving information related to planned attacks in Western sector from dissident groups in Zaire. Despite all this, the command of 25 Bn went ahead to keep the soldiers unarmed, hence exposing them as targets to an enemy that is always looking for soft targets. Earlier, I shifted the Unit I.O from Bn HQs Ngoma to Kisoro and the border I.O of Chanika to Bunagana, all this in anticipation of problems from that sector.

Other Factors

The defence of the 25 Bn detach in Kisoro is located in a place that is easy to recon due to:-

- (a) A main road from Kisoro to Kyanika passes in front of the barracks. Anyone passing on the road has visual observation of goings on in the defence.
- (b) The county Chief's Office is right in the defence because the barracks is in the Chief's area. Note that the Chief continues to work here, receive visitors, taxpayers etc. The said armoury is next to the office block of the Chief. The above factors are due to the acute shortage of land in Kisoro and Kabale area so relocation of the defence elsewhere is very difficult.

OBSERVATIONS

The enemy must have charged about 18 firearms from the armoury because what they had planned to load on the vehicle was rescued and some weapons which had been given to the unarmed rebels were abandoned and recovered later the following day. Out of the whole enemy group that attacked 07 were killed on spot including their overall commandernicknamed SIMBA, 08 were captured alive making a total 15. However Haji Kabeba will continue to plan destabilisation at a later date. It should be noted that Zaire Govt forces are involved though not physically. There is definitely coordination with WNEP of Oris. A number of Pro-Amin exiles mostly homeless living in Rutshuru and Nyamirima area are principal force behind the so-called UNA. Haji Kabeba being an ethnic Muhutu with close connection to former Rwandese rulers enjoys cooperation of the interahamwe whom he has assured of leadership to kill Tutsis in Uganda and Rwanda. A full profile of Kabeba and his close accomplices was sent to you with photos dated 17 Dec 93 Ref NRA/2DIV/INT/AB titled "Situation Along Uganda-Zaire Border". All were copied to DMI. In case this profile is not traceable in your records, I still maintain a file of "UNDA".

SUGGESTIONS:


1. I suggest that the CO 25 Bn, OC 'A' Coy 25 Bn and the OPTO 25 Bn should be called to explain why all these mistakes were committed which resulted into death of our 07 soldiers, 02 soldiers wives and 01 child. They should bear the responsibility of the loss of arms and other consequences because there is no reason why a border unit in a hostile environment should be disarmed especially at night on the pretext of training.

2. I request for a concerted effort to assist me with resources to fully boost my network both internal and external. In consistent financing has greatly curtailed my capability to run several agents at the same time. As you are aware, agents sent across the border need substantial financing on every tasking as has been reflected in my collection plans. If my Office could have a Forex fund reinstated on regular basis, it would go along way in helping my planning. This region has many willing people and the Zairis across, be they soldiers or civilians are so corrupt that with money any kind of information can be bought. Our local agents definitely need facilitation when tasked on various assignments. My border personnel in Bundibugyo, Ishasha/Butogota, Bunagana, Chanika and Kikagati (TZ Border) consistent funding and reliable transport for their networks. All these problems have been presented several times in the following correspondences either to you copied to DMI or vice-versa:

- (1) Correspondence classified "SECRET" dated 28/3/96 Ref HQ/2DIV/110
- (2) Correspondence dated 12 Sep 95 Ref HQ/2DIV/INT/70
- (3) " " 05 Sep 95 on infiltration acts in Kisore by enemy. In this one I was principally suggesting deployment of 25 Bn as a whole back to Kisore.
- (4) Correspondence dated 4/6/94 Ref NRA/2DIV/INT/7A

In conclusion, it should be noted that the current situation in this region is not so much a purely military problem. It can be handled by intelligence and those small groups neutralised while our forces should not relax in case of a bigger incursion.

Copy to:- DMI ✓
D/DMI


J KALJA ATWOKI
Capt
Division Intelligence Officer

TELEPHONE:

IN ANY CORRESPONDENCE ON
THIS SUBJECT PLEASE QUOTE NO. SEC/2

THE REPUBLIC OF UGANDA

"CONFIDENTIAL"

OFFICE OF THE CENTRAL
GOVERNMENT REPRESENTATIVE
KISORO DISTRICT,
P.O. BOX 123,
KISORO.

10th June, 1996.

H.E. The President of
the Republic of Uganda,
P.O.Box 7168,
Kampala.

Your Excellency,

RE: SITUATIONAL REPORT ON ACTIVITIES OF HAJJI MUHAMMED
KABEBA'S GROUP IN ZAIRE

1. The rebel group of Hajji Muhammed Kabeba in Zaire is currently concentrating on recruiting people from Uganda especially among Muslims and Zaire especially among Rwandese refugees camps of GATARE and KIBUMBA. They are preparing for more attacks on Uganda especially in the Districts of KISORO and RUKUNGIRI.
2. They so far have three camps in Zaire namely;
 - (i) KINYANDONYI Training Camp with around two hundred and fifty (250) trainees under the leadership of Hajji RASHID, a Nubian and former Amin's soldier. This Camp is located 9 miles from Rutshuru to Ishasha road. It is near BUSANZA side of Uganda.
 - (ii) BURAMBA with around four hundred (400) trainees. This Camp is near KARAVARIO Hill and KIHORO O overlooking BUTOGOTA of RUKUNGIRI District.
 - (iii) NYAMIRIMA - MUGOGO - KATWEIGURU area with around three hundred and twenty (320) trainees. It is located near Kabeba's own home also towards BUTOGOTA. The Camp is near MUNYANGA Hill that overlooks Uganda.

./2

"CONFIDENTIAL"

3. The camps are all located in areas with hills that overlook Uganda. These hills have been receded to be used for positioning support weapons once they start fighting Uganda.
4. There is co-ordination among all rebel groups against Uganda in Zaire starting from the JUMA ORIS group in ARUA up to KABEBA's group near KISORO and RUKUNGIRI. Each group has been given its own area of responsibility. Hajji Kabeba is in charge of distabilising KISORO and RUKUNGIRI using ZAIRE as his base.
5. Hajji KABEBA's group is assisted by his sons who work in the refugee camps' stores to get food and other logistics. The three sons are:
 - (i) ALI MUJEMA
 - (ii) MUSA BUKYAKYA
 - iii) MAJIDU FIZII

However, he also has closer links with the INTERAHAMWE Officers who make joint planning against Uganda with him. He is always at GATARE Camp, the headquarters of INTERAHAMWE in ZAIRE. The FRENCH and SUDANESE are also involved in assisting these rebel groups.

6. Recommendations:

- (i) Diplomatic pressure on Zaire for constant regional meetings should be exerted.
- (ii) Refresher course for Local Defence Forces in Kisoro should be organised after which they would be deployed. At least money should be released for training about 150 personnel.



The BEO
309 Bde
Kobale

25th BN
KISORO
15th June 96

Re: Operational report covering period from
9th April 96 up to date

On the 9th April 1996, the enemy group of
one Kabeba attacked our Company of 'N' in Kisoro
at around 0600hrs.

The attack was surprise one and we had no prior
information that we shall be attacked.
Enemy group was estimated to 50 (fifty) in number
and we lost 07 comrades and 07 enemies killed
and 52 captured alive.

Weaknesses indicated on our side on the day of attack

There was a weakness of some of the guards
especially those at the Ammunition where the guards
were concentrating. Instead of guards sleeping in
turns, it is believed all guards slept and it was
an advantage to the enemy who was centering
Ammunition as his main target.

Enemy withdraw route

The enemy withdrew using the route he used to
attack. He entered Uganda from Rutsumu Zaire
via Busanza and withdrew back using the same
route.

Casrep (Casualty report) in detail

Comrades lost in the 9th April Attack

- 1- Pte Kizumbo Costa
- 2- Pte Kayem John
- 3- Pte Obote Dickson
- 4- Pte Kwansi Baniano
- 5- Pte Mugisha Bezi
- 6- Pte Muguna Benon
- 7- Pte Efire James

Personnel injured

- 1- capt Ben Kwaruka
- 2- sgt Mwangi Hussein
- 3- sgt Bahare Henry
- 4- plr Tindikaho Phiarano
- 5- plr Adalwin William

All the above casualties have recovered and have returned duty.

In the same attack, 02 soldiers were injured and 01 (only) had been killed.

Weapons lost to the enemy

below is the list of weapons lost to the enemy.

Serial No	Quantity	Description	Remarks
1	1	SMG	6625
2	1	SMG	28134221
3	1	"	2356
4	1	"	28076699
5	1	"	28135007
6	1	"	2510959
7	1	"	34226
8	1	"	28113242
9	1	"	409
10	1	SMG	2200441
11	1	SMG	2813720
12	1	"	LC-6674
13	1	"	321311
14	1	SM	0385
15	1	SMG	2340613
16	1	"	28138532
17	1	1209	2807527
18	1	"	2807392
19	1	SMG	412
20	1	"	28127200
21	1	"	2803657
22	1	"	5691
23	1	"	4085
24	1	"	28033595

Captured enemy weapons

of various types we captured from the enemy. Item below are their serial numbers.

- 1 SMG 6055
- 2 SMG 2237
- 3 SMG 28131
- 4 SMG 351455
- 5 SMG 190040
- 6 SMG 1936
- 7 SMG with No 2/NOS
- 8 SMG

Enemy

- Most of the Enemy killed and captured were Muslims.
- This indicates that there must be a Tabilig connection in the attack. The group that attacked on 2nd April called itself Uganda National Army (UNA). It has its headquarters at Butsumu in Zaire under the command of Hajj Kabaka. Most of his field commanders were killed in the attack.

Enemy targets

- On the 2nd April attack, the Enemy had targeted UPDF positions only. No civilian target was hit and the intention was to kill the Tutsi in UPDF and capture the area.

Present Enemy Situation

- Kabaka group is still planning attacks on us. It is believed the group is being supported by other rebel dissidents in Zaire including defeated Rwanda Army together with Iterahamwe in exile.

Enemy dispositions

- The Iterahamwe and defeated Rwanda Army in exile occupy Katale, Kibumba and Mungu Camps respectively.
- Kabaka group is presently camped at a place called Kihoroko in Zaire near the border of Kisoro and Bukungu districts. That camp is near Bwindi forest.

Dispositions of Zaire Govt Troops

- A nearby Government BN is at a place called Rumageho with the detachments at Iyengyereho (01 Coy), Kiwanga (01 Coy) and Butsumu (01 Coy).
- Border posts are manned by forces equivalent to a section.

Enemy External Support

The rich Rwandese in exile abroad and most Franco-Tou countries especially France, Zaire and Central African Rep do fund rise for this war.

The mentioned countries have done the training, arming and financing.

Enemy Infiltration

Enemy is using some Ugandan ladies to do the intelligence and spying, especially those that hail in Kabale near Rwanda Border. These ladies supply Itevahamwe with Uganda A Tax tickets so that the enemy move freely in Uganda and infiltrate to Rwanda.

Two ISI ladies Paticice and Mukamugenge are the one responsible for this infiltration. One of them is married to Major Habimana a Coordinator of Enemy groups in Zaire.

Enemy Combat readiness

In terms of strength and training the enemy is prepared to launch an offensive by all means, but the current problem is where to start from.

Enemy strength

The Kabaka groups at Ruturura and Kitoroto comprise of about 100 men each.

The Camps which are occupied by Itevahamwe comprise of 200,000 people mixed with civilians each.

Mugunga Camp which is occupied by only defeated Rwanda forces comprises of 25000 men and officers.

Enemy Intentions

At present there is alot of genocide going on in Eastern Zaire eliminating all the ethnic Tutsi in the area.

Zaire Govt is behind these massacres and there is a likelyhood that Zaire may fully support our enemies in Zaire.

Implication of these massacres

Intelligence has revealed that the main purpose of eliminating Tutsi is to create a free zone under dominance of exiled Hutu so that they get a base. The present influx of refugees proves this intelligence in a wide perspective.

Also Zaire suspects that Uganda was behind the recent attack at Burungu and the ousted

Rwanda regime in exile believes that Uganda is the one that chased them away. On that point Zaire and exile Hutus have acquired one thing in common that Uganda is their enemy!
Imminent threats.

As of now we are expecting attacks from both Itahamwe and Kabega group. Possible enemy targets are UNPF contingents in Kisoro and Kanyatorogo area.
Also there is a threat that Zaire may retaliate targeting our civilian population.
Also there is a threat of the main group of ousted Rwanda Army attacking RFD.

Own troops

Description: Own troops have behaved well in the operation except one indiscipline case of rape was registered recently at Kamugano. A culprit by name of Pte Mazoki Bernard was arrested in connection and Police is handling the case.

Welfare of troops

Troops on operation are supplied with food and they get their R.C.A on top.
Troops lack great coats and most of the foot wear is worn off.

Morale of troops

Morale of troops is excellent.

Relationship between civilians and troops

The relationship between the civilians and our troops is cordial.

Also there is a good working relationship between our troops, Sister Egan's like Police and District authorities.

Own troops Combat readiness

Own troops are properly dug in with most of infantry weapons and are ready to confront with any enemy. Stand-by is observed in all our troops and routine security measures are in place.

Problems faced in operations

In terms of operational logistics, we still lack enough communication equipments e.g. Walkie-Talkie, Man Port Radio and Batteries. Most of our detachments are not linked in terms of communication. I suggest more be provided. Transport is also a problem experienced in this operation.

The AAD Convoy we have is not sound and we may get problems in deploying artillery pieces. Also we need troop carrier to deploy troops in time to react quickly to any situation.

Troops in operation need adequate supply of water of which is one of the major problems.

Refugees

In this period 2000 refugees have been received in Kisumu as a result of the on going massacres in Zaire. They are camped at Khyakabande and presently UNHCR has taken responsibility for them.

Other problems faced in operation

Man Power: There is a tendency of some soldiers to escape from operation and go to the rear in Algoma to see their families. ~~at~~ and at the end of the day you find that there is a decrease in man power. However these soldiers do come back later.

Shelter: The few polythene paper which was distributed in forces is not enough. More P. paper is needed to alleviate the situation.

Ground rent: We also face problem with civilians of whom we are occupying their ground.

Others had their crops destroyed during our occupation on their shambas are they want compensation.

The owner of the site where 'C' Coy is occupying (Busengo) wants ground rent.

Hoes, shovels and spades: - In operation we don't have the mentioned apparatus for digging trenches. I suggest we be provided with the same to improve our overall readiness.

Fire wood and food

The 100,000 provided for fire wood is not enough at all. Also food provided is not enough according to the scale in respect to strength. At times food provided of inferior quality especially beans.

Sanitary facilities

Wood in Kisumu is in scarcity and whenever we want to construct a toilet we need more to buy wood. This matter should also be considered.

Support weapons

We need more weapons to make us firm on ground. We request for more 82mm Mortar at least one per each Coy.

**HUMAN RIGHTS WATCH/AFRICA
FÉDÉRATION INTERNATIONALE
DES LIGUES DES DROITS DE L'HOMME**

July 1996

Vol. 8, No. 2 (A)

ZAIRE

FORCED TO FLEE

Violence Against the Tutsis in Zaire

INTRODUCTION	2
RECOMMENDATIONS	4
To the International Community	4
To the Government of Zaire	4
To the Government of Rwanda	4
ORIGINS OF THE BANYARWANDA COMMUNITY IN ZAIRE	5
SOURCES OF CONFLICT	6
THE OUTBREAK OF VIOLENCE	8
GENOCIDE IN RWANDA AND ETHNIC CONFLICT IN ZAIRE	10
THE CURRENT CONFLICT	12
SENDING THE TUTSI "BACK TO RWANDA"	15
A CAMPAIGN TO CREATE ETHNIC ENCLAVES	19
COMPLICITY OF THE ZAIRIAN GOVERNMENT	21
THE INTERNATIONAL RESPONSE	27

HUMAN RIGHTS WATCH
485 FIFTH AVENUE
NEW YORK, NY 10017-6104
TEL: (212) 972-8400
FAX: (212) 972-0905
E-MAIL: hrwnyc@hrw.org

FÉDÉRATION INTERNATIONALE
DES LIGUES DES DROITS DE L'HOMME
17 PASSAGE DE LA MAIN D'OR
PARIS 75011
TEL: (331) 43 55 25 18
FAX: (331) 43 55 18 80

INTRODUCTION

The region of North Kivu in eastern Zaire has been the site of recurrent interethnic violence since 1992, often carried out with the complicity of Zairian regional and national leaders and the Zairian security forces. The explosion of violence in 1993 pitted the mostly Zairian Tutsis and Hutus against other Zairian ethnic groups in the region, but the situation was exacerbated by the arrival in Goma of some 720,000 largely Hutu refugees from Rwanda after the genocide in July 1994.¹ The influx of refugees served to reignite the ethnic violence and to break down the Hutu-Tutsi alliance, leading to attacks against the Tutsi population by both sides. The violence in North Kivu has left hundreds dead, some 250,000 displaced and approximately 16,000 Tutsis forced to flee as refugees to Rwanda. The goal of the attacks is to drive out rival ethnic groups and to create ethnically pure enclaves.

This report focuses on the violence against Tutsis, which has been particularly severe since late 1995, and escalated in 1996. Given the recent history of unresolved conflict in the region and the arms flows into the area that accompanied the refugees, an escalation of deadly violence in North Kivu was sadly predictable.

The conflict in North Kivu is complex and involves a series of shifting conflicts among the ethnic groups and the refugee community. The conflict originally involved the Hutu and Tutsi ethnic groups, known as the "Banyarwanda," who constitute nearly half of the population of North Kivu but have been largely excluded from regional political office and administrative posts, against the Hunde, Nyanga, and Nande ethnic groups (*autochtones*), who consider themselves native to the region and have sought to protect their political power. Despite the long history of the Banyarwanda in Zaire, the other groups have accused them of being foreign interlopers, exploiting local populations and unworthy of citizenship and political power. Some Zairians feared that the Banyarwanda had designs to take over North Kivu, which further increased the animosity toward them.

Beginning in March 1993, Hunde, Nyanga, and Nande militia groups called Mai-Mai or Bangirima,² which apparently had the support of local Zairian political officials, began to attack the Banyarwanda population in several zones of North Kivu. In response, the Hutu, who were the main targets of the attacks, formed their own militia. Attacks and counterattacks by rival ethnic militia continued for nearly six months, leaving approximately 6,000 dead and displacing an estimated 250,000. Through the action of local nongovernmental organizations (NGOs), churches, and the intervention of the central Zairian government, which deployed elite troops in Masisi, a tenuous peace was restored to the region in July 1993, and most people were able to return to their home communities. However, none of the underlying political issues were resolved, thus setting the stage for the resumption of violence.

The genocide in neighboring Rwanda in 1994 and the subsequent flight of mostly Hutu Rwandan refugees into North Kivu fanned interethnic tensions in the region. The Rwandan refugees arrived in Zaire well-armed, and they worked to politicize and organize the local Zairian Hutu population, joining together with Zairian Hutu to form joint Interahamwe³ militia groups. The massive inflow of refugees augmented significantly the numeric advantage

¹According to the United Nations High Commissioner for Refugees (UNHCR), in June 1996 there was a total of 1.1 million Rwandan refugees in Zaire: 716,000 in Goma; 316,400 in Bukavu; and 71,800 in Uvira.

²The terms "Bangirima" and "Mai-Mai" both refer to militia composed of groups that considered themselves autochthonous to North Kivu. While the terms are used to some extent interchangeably by the population in the region, "Mai-Mai" generally refers to Hunde and Nyanga militia in Masisi and Walikale, while "Bangirima" are Hunde, Nyanga, and Nande militia in Rutshuru and Lubero.

³The Interahamwe, which means "those who attack together," was founded in Rwanda as the youth wing of the National Rwandan Movement for Democracy and Development (MRND), the party of former President Juvenal Habyarimana. Following the introduction of multiparty politics in mid-1991, the Interahamwe gradually was transformed into a civilian militia.

of the Banyarwanda, increasing tensions between the Banyarwanda and other groups. In addition, genocide and ethnic conflict in Rwanda led to a divide within the Banyarwanda community in Zaire between Hutu and Tutsi, and thousands of Tutsis in Zaire crossed over to Rwanda and Uganda in the months following the end of the genocide.

In late 1995, the level of violence in North Kivu intensified sharply, following several confrontations in Masisi between Zairian soldiers and various militia groups. Attacks by rival Interahamwe and Mai-Mai/Bangirima militia quickly spread throughout Masisi and Rutshuru Zones. In contrast to the 1993 conflict, Hutu have had an upper hand in recent clashes, due to their abundant armaments and extensive militia organization, but Mai-Mai have also succeeded in pushing Hutu out of certain areas, particularly in Walikale, Lubero, and Rutshuru. Tutsi, who have not been involved in the militia, have been attacked by both Interahamwe and Mai-Mai, and thousands have been forced to flee into Rwanda. Violence by various militias in North Kivu has gradually intensified and spread into the surrounding zones of Lubero and Walikale.

Zairian authorities have shown little interest in ending the violence. On the contrary, testimony from witnesses interviewed by Human Rights Watch/Africa and the Fédération Internationale des Ligues des Droits de l'Homme (FIDH) researchers indicates complicity in the violence against Tutsi on the part of Zairian government officials and military personnel at the local, regional, and national levels. Witnesses report that local Zairian officials and soldiers participated in recent militia attacks against Tutsi, and there is evidence of official involvement in attacks by Hutu and Hunde militia since the beginning of the conflict in 1993. National and regional politicians have been unwilling to take steps that might halt the attacks, including publicly denouncing the abuses and supporting a disciplined military presence in the region to protect civilians. The few soldiers and police stationed in the area have themselves frequently profited from the situation, looting from the various sides and essentially selling their services to the highest bidder, which has contributed to the climate of impunity. The regional governor fueled the conflict in 1993 when he suggested that security forces would assist efforts by Nyanga and Hunde to "exterminate" the Banyarwanda.

The international community has responded to the growing conflict in North Kivu with silence and indifference. The poor handling of the refugee crisis exacerbated the simmering conflict in North Kivu, with predictable consequences. Efforts by local and international NGOs to alert the international community about the potential for renewed violence were ignored. In April 1996, even as killings were taking place on a daily basis and thousands were being displaced, France announced a resumption of bilateral aid to the Zairian government,⁴ which had been cut off in late 1991.

The conflict is also increasing tensions between the governments of Rwanda and Zaire, with each side accusing the other of manipulating the refugee situation in their respective country and with both sides denying citizenship to the Tutsi refugees. The Zairian government denies that the Tutsi refugees are Zairian, and representatives of the government have gone so far as to deny that Kinyarwanda is even spoken in Zaire. The Rwanda government contends that the refugees are Zairian citizens fleeing violence, and established a refugee camp in Gisenyi, about a kilometer away from the border. Despite appeals by the United Nations High Commissioner for Refugees (UNHCR) that the camp be moved away from the border, the government has refused. Clearly, the presence of refugee camps so close to both sides of the border poses serious security risks for the refugees and for their host countries. If the conflict continues to escalate, both Zaire and the Great Lakes region in general could face further disastrous consequences.

⁴François Raitberger, "Mobutu hails 'courageous' French Aid to Zaire," *Reuters*, April 26, 1996.

RECOMMENDATIONS

To the International Community:

- Hold the Zairian government accountable for the actions against the Tutsi population in North Kivu and other attacks against civilians. The government must be urged to launch an immediate investigation into the complicity of its military and civilian personnel in the attacks, and to prosecute those responsible.
- Encourage the peaceful and voluntary repatriation of Rwandan refugees from Zaire. The international community should provide the means necessary to isolate the camps to prevent further infiltration of ex-FAR and Rwandan Interahamwe into North Kivu, and to ensure that Zairian soldiers involved in abuses against refugees be prosecuted.
- Pressure the Rwandan government to improve its human rights record and to create a climate conducive to the return of Rwandan refugees. Provide adequate support for the Rwandan judicial system and urge the Rwandan government to begin free and fair trials for those accused of involvement in the 1994 genocide, so that refugees currently in Zaire can be guaranteed just treatment upon their return to Rwanda.
- Monitor the conduct of Zairian forces involved in Operation Kimia toward the civilian population to ensure that civilians from all ethnic groups are protected and that all militia are disarmed.
- Deploy international monitors at airports and border crossings in eastern Zaire to enforce the UN arms embargo against the former Rwandan military and militia.
- Support the establishment of a UN commission of inquiry into the abuses against civilians in North Kivu.
- Ensure that no bilateral or multilateral assistance, other than humanitarian aid, is provided to the Zairian government unless it ends all support to the militias operating in Zaire, investigates and prosecutes soldiers responsible for abuses against civilians, and complies with Security Council Resolution 978 calling on member states to arrest persons suspected of participating in the genocide in Rwanda for prosecution in national courts or by the International Criminal Tribunal for Rwanda.

To the Government of Zaire:

- Immediately cease all support for Mai-Mai, Bangirima, Interahamwe, and any other militia with a record of gross human rights abuses. This should include an end to the provision of armaments and logistical assistance, participation by government officers and military personnel in militia attacks, and public pronouncements of support for the militia by military and political officials.
- Leaders at all levels of government—national, regional, and local—should publicly denounce the ethnic violence in North Kivu. Investigate and identify those political, administrative, and military officials who have participated in militia attacks or profited from the insecurity to pillage or rape, and immediately remove them from their posts and begin prosecution.
- The right to nationality must be respected. The government of Zaire must cease denationalizing those members of the Banyarwanda community who qualify for Zairian citizenship; no one should be rendered stateless.
- The Zairian government must support efforts to encourage the peaceful and voluntary repatriation of Rwandan refugees in Zaire. All assistance to the former Rwandan government, ex-Forces Armées Rwandaises, and Hutu militia must be stopped; in particular, the provision of arms and related training and materials in violation of the United Nations embargo against these forces.
- The Zairian government must cooperate with the International Criminal Tribunal for Rwanda and bring perpetrators of the 1994 genocide to justice, including turning over indicted suspects to the International Tribunal.
- Ensure security to allow the safe return of Zairian Tutsi refugees from Rwanda.
- Allow access throughout North Kivu for local and international journalists and other independent observers.

To the Government of Rwanda:

- Create conditions within Rwanda that would favor the peaceful and voluntary return of refugees from Zaire, including respecting rights to freedom of expression, movement, and assembly regardless of ethnicity and

beginning trials for those currently imprisoned in Rwanda under accusations of participation in the 1994 genocide.

- Provide safe and secure haven for refugees from the conflict in Zaire. Locate the refugee camp a sufficient distance from the Zaire border that refugees will not be exposed to the threat of attack from Zaire. The current site, 800 meters from the Zairian border, places the refugees at risk.
- Establish screening procedures in the refugee camp to determine if the Tutsis from Zaire qualify as refugees.

ORIGINS OF THE BANYARWANDA COMMUNITY IN ZAIRE

The region of North Kivu lies on the northern shores of Lake Kivu, along Zaire's eastern border with Rwanda and Uganda. The Region is divided into six administrative zones: Masisi, Rutshuru, Kalehe, Walikale, Lubero, and Goma,⁵ it contains a diverse ethnic mix of Hunde, Nande, Nyanga, and Tembo, as well as the Kinyarwanda-speaking Hutu and Tutsi, together known as Banyarwanda. The Banyarwanda made up roughly 50 percent of the population in North Kivu (though they constitute the majority in certain regions), with the Hutu comprising about 40 percent and the Tutsi about 10 percent.

The origins of the Banyarwanda population in North Kivu are diverse. The arbitrary establishment of colonial boundaries placed a large population of people formerly subject to the Rwandan king outside Rwandan territory.⁶ The capricious manner in which the European colonial powers carved up the African continent placed several regions formerly connected to the pre-colonial Rwandan kingdom within the boundaries of the Belgian Congo. Under the principles set down in the 1885 Conference of Berlin and formalized in a convention signed in 1910 between Germany, Belgium, and England, the Rwandan territories of Goma, Jomba, Bwisha, and the Island of Idjwi, among others, were attached to the Belgian Congo, while the region of Bufumbira was integrated into the British colony of Uganda. Accordingly, some of the Banyarwanda descend from families that have lived for centuries on land which today lies within Zaire.

When Belgium assumed control of Rwanda from Germany during the First World War, Rwanda was already a densely populated territory. Belgian colonial administrators established a policy encouraging Rwandans to emigrate into Zaire to supply labor for plantations that were being established in the lightly populated district of Masisi. Administrators in Kivu and Rwanda signed a formal agreement in 1937 organizing the migration and creating Rwandan areas within Masisi. Other Rwandans were brought in as laborers in Kalehe, Rutshuru, and Shaba. In addition to the formal program of labor migration, which continued until 1955, many Hutu and Tutsi — both from Rwanda and from Jomba and other territories within Zaire — independently migrated into the districts of Masisi, Walikale, Rutshuru, and Lubero seeking land for cultivation or for grazing goats and cattle.⁷

In addition to economic migrants, North Kivu has welcomed thousands of political refugees fleeing conflicts in Rwanda. After the uprising against Tutsi colonial administrators in Rwanda in 1959, thousands of Tutsi fled into Zaire. Thousands more Tutsi arrived in Zaire during repeated outbreaks of ethnic violence in Rwanda in the early

⁵Each zone within the region is sub-divided into several collectivities, and these collectivities are themselves sub-divided into localities and *groupements*.

⁶Aloys Tegera, "La réconciliation communautaire: Le cas des massacres au Nord-Kivu," in Andre Guichaoua, editor, *Les crises politiques au Burundi et au Rwanda (1993-1994)* (Université des Sciences et Technologies de Lille, 1995), pp. 395-402; UNHCR, "La situations dans le Masisi et les propositions de la Sous-Délégation," March 18, 1996.

⁷Tegera, "La réconciliation communautaire," p. 396; UNHCR, "La situation dans le Masisi." March 1996.

1960s, in 1973, and again in the early 1990s.⁸ Finally, in 1994 nearly one million mostly Hutu refugees fled into North Kivu at the end of the genocide and in advance of the Rwandan Patriotic Front taking power in Rwanda. While the majority of these recent refugees has been housed in refugee camps, others have settled outside the camps in the zones of Goma, Masisi, Rutshuru, and Kalehe and have integrated into existing Hutu communities.⁹ The villages in North Kivu were frequently multiethnic, and these Hutu communities are often found within villages consisting of other ethnic groups.

Border changes, economic migration, and political conflict have combined to make Banyarwanda the largest group in North Kivu and a sizable majority of the population in certain areas of the region. Of the estimated 600,000 people living in Masisi zone before interethnic violence broke out in 1993, 75–80 percent were Banyarwanda, while the remaining 20–25 percent were primarily Hunde, along with some Nyanga and Tembo. Banyarwanda were also the majority in parts of Bwito and Bwisha collectivities in Rutshuru zone, and they were the largest group in Goma.¹⁰

SOURCES OF CONFLICT

Land distribution and economic competition have been at the root of conflicts between the Banyarwanda and other groups looking for political power. In general, the Tutsi have cleared large tracts of land in the region to use as pasturage for grazing their cattle and goats, while the Hutu predominantly cleared land for farming. As the Banyarwanda population has increased, particularly following the arrival of many Tutsi refugees from Rwanda beginning in 1959, they have gradually migrated further and further from the Rwanda border. In Walikale, Masisi, and other districts, the Banyarwanda have cleared large areas of forest to use for farming and grazing, leading to conflicts with the local Hunde population who have traditionally used the forests for hunting game. The Banyarwanda have been quite successful in the regional and national economies, supplying livestock and produce to markets as far away as the Zairian capital Kinshasa. The relative prosperity of the Banyarwanda has contributed to resentment by other groups in the region.¹¹ Despite their numeric significance and long history in North Kivu, the Banyarwanda have enjoyed little political power, at least in terms of formal political and administrative positions.

Residents of North Kivu have disagreed about the treatment of the Banyarwanda in Zaire. The Banyarwanda believe that they have been discriminated against in terms of employment and education. However, other Zairian groups contend that the Banyarwanda have had advantages over other Zairians, including disproportionate access to higher education in Zaire. The perception on both sides of the conflict that the other has been privileged has clearly fueled resentments and increased tensions between the communities.

Another key issue in the conflict involves nationality, which was recognized and later taken away from the Banyarwanda. Other ethnic groups in Kivu have justified their political dominance by arguing that the Banyarwanda are foreigners who have no claim to Zairian citizenship. In practice, members of other ethnic groups make no distinction between those Banyarwanda whose families lived on Zairian territory prior to colonial boundary changes and those whose families migrated into the area more recently. It is important to note that the nationality issue has been used only against the Banyarwanda, and not against other ethnic groups that were divided along Zaire's borders at independence.

⁸"Masisi ou la guerre oubliée," ANB-BIA Supplement, p. viii; Tegera, "La réconciliation communautaire," p. 397.

⁹"Masisi ou la guerre oubliée," p. viii; UNHCR, "Repatriation of Rwandan Refugees from Eastern Zaire," March 1996.

¹⁰Tegera, "La réconciliation communautaire," pp. 398-399; UNHCR, "Repatriation of Rwandan Refugees from Eastern Zaire."

¹¹ Marc Hoogesteyn, "Armed Rwanda Hutus uproot spear-carrying tribesmen," Reuters, February 21, 1996; Tegera, "La réconciliation communautaire," p. 399; and Human Rights Watch/FIDH interviews with Zairian refugees in Rwanda, April 1996.

The issue of nationality has been a recurrent source of contention in Eastern Zaire, especially relating to voter eligibility in electoral periods. After Zaire gained independence in 1960, a nationality law granted Zairian citizenship for anyone who had been living in Zaire for ten years. Although most Banyarwanda qualified for citizenship under these terms, provincial authorities in North Kivu excluded them from civil service posts in the early 1960s. A 1972 law adopted as part of President Mobutu's "authenticity" program reiterated the principles of the earlier nationality law, granting Zairian citizenship to anyone whose family was living in Zaire on January 1, 1960, and had since maintained continuous residence.¹² In Article 15, nationality was specifically granted to people from "Ruanda-Urundi" who were on Zairian (Congolese) territory before January 1, 1950 and continued to reside in Zaire. No distinction was made between Banyarwanda who had lived in Zaire for generations and those who had arrived as political refugees or economic migrants in later years.

The nationality issue came to the fore again in 1981 when the Zairian parliament approved a revision to citizenship laws that accorded citizenship only to those who could demonstrate that their ancestors lived in Zaire prior to August 1, 1885. Although many Banyarwanda qualified for citizenship under these new rules, ancestry was difficult to demonstrate, and in practice both the non-Banyarwanda public and the government tended to treat Banyarwanda as a single group. The law did not specifically state that citizenship would be revoked from those who had already acquired it; nevertheless, the effect of the law was to deny citizenship rights to a substantial portion of Zairian Kinyarwanda-speakers and practically denied rights to most others.¹³ The nationality issue was summarized in a report by the United Nations Special Rapporteur on human rights in Zaire as follows:

The tensions [in North Kivu] are caused by two related problems. The first arises from the right of the Banyarwanda to Zairian nationality. This was recognized in the 1964 Constitution and in the law of 1965, which allowed them to vote in 1965 and 1967; it was left unchanged in the 1967 Constitution, and confirmed once again by Decree Law No. 71-020 of 1971; then it was restricted under Law No. 002 of 1972 to those living in Kivu since before 1960, abolished by law in 1981 and taken over by the CNS [Sovereign National Conference] in 1992. The second problem is derived from the first, namely that recognizing the Banyarwanda as Zairians would give them the right to vote in any elections which might be held.¹⁴

In practice, however, the 1981 law was never actively enforced, and identity cards were never revoked. After officially enjoying the rights of citizenship for two decades, the Banyarwanda did not passively accept the revocation of their nationality. In the mid-1980s, Hutu from throughout North Kivu formed an ethnic organization, known as a "mutual," to unite Hutu and defend their interests. Initially an agricultural association, MAGRIVI, the Agricultural Mutual of Virunga, gradually became politicized. In 1991, when Banyarwanda were excluded from participation in the national conference held in Kinshasa to debate the political future of the country, organizers of MAGRIVI urged Hutu in North Kivu to protest by rejecting the authority of local Hunde chiefs and refusing to pay taxes, a particularly serious threat given the economic importance of the Banyarwanda.¹⁵

¹²Jean-Baptiste Kayigamba, "Zaire-Human Rights: Thousands Flee Ethnic Cleansing," InterPress Service, April 7, 1996; U.S. Committee for Refugees (USCR), "Inducing the Deluge," p. 9.

¹³See "Ordonnance-Loi No 71-020 due 26 mars 1971 relative à l'acquisition de la nationalité congolaise par les personnes originaires du Rwanda-Urundi établies au Congo au 30 juin 1960," and "Loi No 81-002 du 29 juin 1982." Also see: UNHCR, "Repatriation of Rwandan Refugees from Eastern Zaire," USCR, "Inducing the Deluge," pp. 8-9.

¹⁴United Nations Commission on Human Rights, "Report on the situation of human rights in Zaire, prepared by the Special Rapporteur, Mr. Roberto Garretón, in accordance with Commission resolution 1995/69," E/CN.4/1996/66, 29 January 1996, p.10-11.

¹⁵Kayigamba, "Zaire-Human Rights."

THE OUTBREAK OF VIOLENCE

With democratic elections becoming an increasingly imminent possibility in the early 1990s, the growing political organization of the Hutu posed a serious threat to the political power of Hunde, Nande, and other ethnic groups. Given the numerical majority of Banyarwanda, members of other groups would have difficulty retaining the chieftaincies and other political positions, and their associated prerogatives, if Banyarwanda were allowed to vote. The threat of losing power in elections was particularly serious for Nyanga and Hunde, who comprised only 4 and 3 percent, respectively, of the population of the region of North Kivu as a whole.¹⁶ Local authorities thus launched a program in 1991 to identify and register Zairian nationals, a process that sought to exclude most Banyarwanda, and make them ineligible to vote in future elections.¹⁷

Political conflicts combined with continuing clashes over land use to create a highly volatile situation in North Kivu. Tensions in the region came to a peak in March 1993 when the then governor of North Kivu, Jean-Pierre Kalumbo Mboho, publicly questioned the nationality of Banyarwanda and suggested that the security forces would assist efforts by Nyanga and Hunde to "exterminate" Banyarwanda. The governor was suspended in late July 1993.¹⁸

Attacks by Mai-Mai militia in Masisi and Walikale zones and Bangirima in Rutshuru and Lubero zones apparently began several days after the governor's comments. Hutu protests over the arrest of a MAGRIVI leader seem to have been the spark that ignited the violence. On March 20, Mai-Mai attacked Banyarwanda at Ntoto market in Walikale, after Banyarwanda raised a political party flag that other groups erroneously claimed was the flag of a foreign government. By the next day, violence had spread throughout Walikale and Masisi zones.¹⁹

The U.S. Committee for Refugees reported that 1,000 people are estimated to have been killed in just the first two days of fighting. By April, attacks against Banyarwanda had spread into Lubero and Rutshuru zones. With armed support from local gendarmes, Mai-Mai and Bangirima militia attacked Hutu and Tutsi with guns, machetes and spears and burned hundreds of homes. After several months of such attacks, some Banyarwanda, primarily Hutu who could build on the existing MAGRIVI organization, formed their own militia groups to counter-attack, killing Hunde and Nyanga and burning their homes.²⁰

Violence by all sides in North Kivu continued from March until July 1993. Official Zairian government statistics estimated that 6,000 people were killed during the six months of the conflict, but estimates of the number of dead by OXFAM, Medecins Sans Frontieres, Caritas, and other independent observers range from 7,000 and to as high as 40,000, the large majority being Hutu. The UNHCR estimated that 350,000 people were displaced by the violence.²¹ The fighting started a process of ethnic pogroms and clearances in which members of the dominant ethnic

¹⁶Tegera, "La réconciliation communautaire," p. 399.

¹⁷USCR, "Inducing the Deluge," pp. 9-10.

¹⁸Amnesty International, "Zaire: Violence Against Democracy," September 16, 1993, p. 22 and "Masisi ou la guerre oubliée," p. viii.

¹⁹Raymond Luaula, "Leur nationalité zaïroise ne se marchande pas!," *Umoja* (Kinshasa), February 28, 1996, p. 2; "Masisi ou la guerre oubliée," p. vii; Tegera, "La réconciliation communautaire," pp. 395-396; USCR, "Inducing the Deluge," p. 10.

²⁰"Masisi ou la guerre oubliée," pp. vii-viii; Tegera, "La réconciliation communautaire," pp. 395-396; USCR, "Inducing the Deluge."

²¹"Masisi ou la guerre oubliée," p. vii; Hugh Nevill, "Explosive mix crackling in Eastern Zaire," *Agence France Presse*, October 18, 1994; UNHCR, "Repatriation of Rwandan Refugees from Eastern Zaire"; Kayigamba, "Zaire-Human Rights."

group in each area drove out members of minority ethnic groups. The Mai-Mai and Bangirima militia drove Hutu out of Lubero zone and the districts of Kisimba and Ikobo in Walikale zone, while Hutu fighters drove Hunde and Nyanga out of much of Masisi zone and the collectivities of Bwito and Bwisha in Rutshuru zone. The violence in 1993 began a process of establishing ethnic enclaves where ethnic groups had formerly lived together in multiethnic communities. Communities that had formerly included Hutu, Tutsi, and Hunde, now became almost exclusively Hutu or exclusively Hunde.²²

The position of Tutsi in this conflict varied from one area to the next. In some areas, they were lumped together with the Hutu as a single Banyarwanda population and thus were targeted. In other areas, because they were not organized politically, they were not considered threatening and were left untouched. According to Emmanuel, a Munyarwanda from Walikale, "In Masisi ... sometimes the Hunde killed Tutsi, sometimes Hutu killed Tutsi. In Ikobo, the Hunde left the Tutsi alone. In Kisimba, Hunde chased out both Hutu and Tutsi. And in Bwito, Hutu chased out the Hunde, and the Tutsi stayed."²³ According to other sources, in some areas of Masisi and Rutshuru, Hutu and Tutsi joined together to fight against the Hunde and other groups.²⁴

Although the Mai-Mai and Bangirima were civilian militia composed primarily of youths, both local witnesses and international observers agree that they were acting with the approval and encouragement of local Hunde and Nande government officials. According to Ngirabakunzi, a Tutsi from Lubero zone:

The traditional chiefs, the baami, said that the Hutu were chased out [of Lubero and Walikale] because of MAGRIVI. There was much hatred against the Hutu mutual association MAGRIVI. This organization had entered into politics and was trying to have its own chiefs. Because of this, there was a big conflict between the chiefs, who were Nande and Hunde, and the Hutu. The Hutu were chased by groups of bandits who were not afraid of shedding blood. But the chiefs were behind them. They were supported by the chiefs. After they were done, there was not a single Hutu left in our area. But we Tutsi did not have any problems. The chiefs told us that they had no problems with the Tutsi, because we did not have a mutual association.²⁵

The role of the Zairian military and security forces in the 1993 conflict is unclear. Some witnesses claim that members of the Forces Armées Zairoises (FAZ) joined with the Bangirima in attacking Banyarwanda. Some Hunde claim that FAZ soldiers were offering special protection to the Banyarwanda, who, unlike the Hunde, could afford to pay for the service. Reports from several organizations of the Catholic Church contend that gendarmes offered extensive support to the Mai-Mai for its attacks. Numerous accounts make clear that in many cases rather than intervening to calm the situation, soldiers took advantage of the insecurity to loot from both sides in the conflict.²⁶ What is clear, however, is that the government threatened to strip the Kinyarwanda-speaking population of its Zairian nationality and so to marginalize it from political life, a goal shared with those attacking them. At the same time, the governor had openly expressed support for their "extermination."

²²La commission justice et paix/Diocèse de Goma, "Masisi: Zone dévastée, victime de sa richesse, du tribalisme ou du pouvoir, *Monde Nouveau* (Goma), November-December 1995; USCR, "Inducing the Deluge"; and testimonies taken by Human Rights Watch/FIDH from Zairean refugees.

²³Human Rights Watch/FIDH interview, Gisenyi, Rwanda, April 17, 1996.

²⁴Kayigamba, "Zaire-Human Rights."

²⁵Human Rights Watch/FIDH interview, Nkamira Transit Camp, Rwanda, April 5, 1996.

²⁶USCR, "Inducing the Deluge," p. 10; "Masisi ou la guerre oubliée," p. viii.

The violence continued in North Kivu with varying degrees of intensity until July 1993, when a group of churches and local non-governmental organizations (NGOs) brought members of the warring groups together in an effort to ease tensions in the region. The meetings concluded that the conflict had been manipulated by Zairian politicians, but failed to resolve the underlying issues. Also in July, President Mobutu visited Goma and subsequently deployed troops from the Special Presidential Division (DSP), the country's most elite military division. The DSP did not overtly take sides, but rather helped to prevent fighting and to bring some order to the area.²⁷ However, the key issues of nationality, land distribution, and political representation had not been resolved, and government officials at both the provincial and national levels showed no interest in seeking a lasting resolution. Several meetings sponsored by OXFAM, church groups, and other local NGOs brought together members of various ethnic groups in early 1994. The meetings produced proposals for bringing a lasting peace to the region—chief among them a resolution to the nationality issue—but the proposals received no response from government officials. With tensions still high and tens of thousands of people still displaced from their homes, conditions were ripe for renewed conflict.²⁸

GENOCIDE IN RWANDA AND ETHNIC CONFLICT IN ZAIRE

The spark that reignited ethnic violence in North Kivu was the genocide set into motion in Rwanda after the airplane crash that killed the presidents of Rwanda and Burundi in April 1994, and the renewed fighting between the RPF and Rwandan government forces. When word began to filter into Zaire about the massacres taking place in Rwanda, sharp divisions developed between the Tutsi and Hutu communities in Zaire. Reports indicate that a few Hutu attacks against Tutsi in Zaire took place as early as May of 1994, but violence against Tutsi became much more widespread after the arrival in North Kivu of an estimated 720,000 Hutu refugees from Rwanda in July. The majority of these refugees, many of whom were involved in massacres of Tutsi in Rwanda, settled in refugee camps around Goma, but others integrated into local Hutu communities in Goma, Rutshuru, Kalehe, and Masisi.²⁹

Witnesses report that Interahamwe militia continued their violence against Tutsi after their arrival in Zaire and the first attacks by Interahamwe against Tutsi in Zaire took place the last week of July 1994. Semasaka, a Tutsi who was living in the town of Sake in southern Masisi, recounts the attack on his family in August 1994:

The Hutu refugees fleeing Rwanda came to Masisi in July 1994. They tried to stay in groups together. They wanted to continue what they had started in Rwanda. The Hutu who came from Rwanda held secret meetings at night with the Hutu from Zaire, and the Zairian Hutu began to form Interahamwe together with the Rwandan Hutu. They began to steal cows, to take Tutsi women by force. They began to kill and pillage and rape, just as they had done in Rwanda... The area is vast there, and there were many cows, so it was a good place for us. But you can't stay in a place where they are killing you.

My family was attacked by Rwandan military [ex-FAR, Forces Armées Rwandaises]. I was at our home at Centre Sake with my mother and father and six children. A large group attacked. They were wearing Rwandan military uniforms. When they attacked, I jumped out of a back window, and so I was able to escape. But all the rest were killed, my mother and father and the children. This

²⁷United Nations Department of Humanitarian Affairs, Integrated Regional Information Network, "Situation Report on Masisi and Rutshuru, North Kivu, Zaire," May 10, 1996.

²⁸UNDHA, "Situation Report on Masisi," Commission Justice et Paix, "Masisi: Zone dévastée," p. 12.

²⁹Nevill, "Explosive Mix Crackling"; Commission Justice et Paix, "Masisi: Zone dévastée"; "Masisi ou la guerre oubliée"; UNDHA, "Situation Report on Masisi."

was August 4, and I came here [to Rwanda] August 15th. My family had been there in Masisi since 1959.³⁰

The anti-Tutsi violence in Masisi and Rutshuru zones continued for several months, reaching a peak in September, then diminishing in October. The Zairian army sent approximately one hundred troops to Masisi in October to reinforce the military presence in the region, but according to reports from the area, the military often joined in the looting and killing. The violence drove many Rwandan Tutsi refugees, like Semasaka, whose families had been in Zaire for decades, to flee to Rwanda, where a government installed by the Tutsi-dominated Rwandan Patriotic Front (RPF) had taken power.³¹

Even after this wave of violence diminished, tensions in North Kivu remained high. The arrival in the region of the Hutu refugees intensified anti-Banyarwanda sentiment among other groups in North Kivu. The new refugees themselves were a highly politicized group who, according to many sources, worked to politicize local Hutu. Numerous witnesses interviewed by Human Rights Watch/Africa and FIDH reported that Hutu refugees from Rwanda integrated into Zairian Hutu communities. Some reports indicate that they gave militia training to local Hutu, similar to the training given to Interahamwe in Rwanda before the genocide.³² The Hutu community in Zaire thus became increasingly well organized and increasingly well armed, due to the massive quantities of weapons brought by the refugees and the Rwandan army fleeing the RPF, or flown into Goma afterwards as the routed army regrouped.³³

The additional FAZ troop reinforcements that the government in Kinshasa sent to Masisi and other parts of North Kivu in 1994 in response to the influx of Rwandan refugees and renewed tensions seems to have contributed to the insecurity. Rather than sending the more disciplined DSP, the government sent a regiment known as the Parachute Commandos or "Paras," who were underpaid and undisciplined, and began to prey on the population.

The Paras demanded bribes, pillaged, and, according to various reports, chose sides and participated in the local conflict. Nzamwitakuze, a Tutsi refugee from Bahunde collectivity in Masisi, explained. "The government placed soldiers around, but the soldiers themselves just came to attack and pillage goods."³⁴

In May and June of 1995, the ethnic militia, known collectively as the "combatants," (*abacombattant*) launched renewed attacks.³⁵ The Mai-Mai and Bangirima groups of Hunde, Nande, and Nyanga fought with Hutu

³⁰Human Rights Watch/FIDH Interview, Gisenyi, April 6, 1996.

³¹La commission justice et paix, "Masisi: Zone devastée," pp. 12-13; Nevill, "Explosive mix crackling in Eastern Zaire"; and Human Rights Watch/FIDH interviews, Gisenyi and Nkamira, April 1996.

³²In late 1993 and early 1994, paramilitary training was given to Interahamwe members, including instructions on how to load and fire a gun. Most observers consider this training to have been in preparation for the genocide that began in April 1994.

³³Human Rights Watch Arms Project, "Rwanda/Zaire: Rearming with Impunity: International Support for the Perpetrators of the Rwandan Genocide," vol. 7, no. 4, May 1995; UNDHA, "Situation Report on Masisi;" and HRW/FIDH interviews in Gisenyi and Nkamira in April 1996.

³⁴"Masisi ou la guerre oubliée," p. viii; UNDHA, "Situation Report on Masisi." Quote from Human Rights Watch/FIDH interview in Gisenyi, April 17, 1996.

³⁵ Given the complexity of the ethnic mix and the conflict in North Kivu, the terms used by people from the area to discuss the ethnic militia are not completely consistent. As mentioned above, "Mai-Mai" and "Bangirima" are used to some extent interchangeably, but they also have a regional basis. The term "combatants," (*abacombattant*) is used by some people in the area to refer to all ethnic militia but the term is used by others to refer to the Hutu militia. The term "Interahamwe" is used by some to refer to all Hutu militia and by others exclusively to refer to Hutu militia from Rwanda. Given the mixing of Zairian and

Interahamwe militia in Masisi and Rutshuru. Both sides attacked villages, pillaging and burning homes, displacing thousands of people and furthering the process of establishing ethnic enclaves. At this time, Tutsi families, both Zairian nationals and refugees from Rwanda's ethnic conflicts in the 1960s and 1970s, were targeted by both groups.

According to Livania, a young woman from Bishusha in Rutshuru zone:

Before the arrival of the Interahamwe, there were no problems for Tutsi in our area. After the Interahamwe came, problems started with the Bahunde. The Bahunde said, "What are you doing still here when others are returning to their country?"

The signals of trouble began in May [1995]. The combatants came little by little, pillaging. The Hunde pillaged at one house and then another. They came in groups of more or less ten people, pillaging here and there. Things became really hot in June, when there was a great number of homes pillaged. These groups, though, came only to pillage. No one was killed or hurt. The killing in our area has just started now. ... The Hunde began to pillage the objects from the house and cattle. Then the Interahamwe followed after with threatening comments. These attacks in our community took place during one week [in June 1995]. The Hunde came several times and attacked. They took things, then left. Then the Interahamwe would come around and tell us to leave. They did not attack, but they came by to threaten us.³⁶

As with the attacks in July and August 1994, these renewed assaults encouraged many of those Rwandan Tutsi families who had been living for decades as refugees in Zaire to return to Rwanda. While some Tutsi would certainly have chosen voluntarily to return to Rwanda following the victory of the RPF, the violence carried out by the Interahamwe and Mai-Mai forced many Tutsi to leave Zaire against their will. Through pillaging, these Tutsi families lost their livestock and their household goods, and in fleeing they lost their land. According to UNHCR, 38,000 Tutsi returned to Rwanda from Zaire in 1995. According to various reports, rather than calming the situation, the Zairian military participated in the pillaging. Nevertheless, by July 1995 the fighting and attacks had again tapered off.³⁷

THE CURRENT CONFLICT

While the potential for an escalation of fighting in North Kivu was quite high, when fighting broke out in July 1994 and May 1995, the Zairian government made no concerted effort to intervene to establish order and protect civilians. In fact, the Zairian government was complicit in the distribution of arms to the former Rwandan military and militia. Throughout the refugee crisis, the Zairian government has supported the former Rwandan authorities and facilitated the training and arming of its troops and militia in the refugee camps. The government has allowed its territory to be used as a conduit for weapons supplies to the ex-FAR, and cargo companies based in Zaire have acted under contracts with Zairian officials to transport these weapons.³⁸ The vast increase in arms flows to the region has been a key factor in exacerbating the conflict in North Kivu, and helped set the stage for a renewal of interethnic fighting and killing in Kivu. The situation is further complicated by the fact that the Zairian security forces stationed

Rwandan Hutu in the militia, the term "Interahamwe" is used in this report to refer to all Hutu militia.

³⁶Interviewed in Nkamira commercial center, April 16, 1996.

³⁷UNDHA, "Situation Report on Masisi and Rutshuru"; UNHCR, "Situation dans le Masisi."

³⁸Human Rights Watch Arms Project, "Rearming with Impunity: International Support for the Perpetrators of the Rwandan Genocide"; UNHCR, "Situation dans le Masisi."

in North Kivu are poorly equipped, paid and disciplined, which creates a situation where they may sell their services to the highest bidder and loot from all sides.

Because of the fighting, communities in Masisi and Rutshuru that formerly enjoyed ethnic diversity have become increasingly monoethnic as the dominant ethnic group in each community forces others to flee. Villages in the area are increasingly identified as "Hutu" or "Hunde" or "Nande." As such, they become the targets of the militia from rival groups. Since December 1995, thousands of Hunde and Nyanga have fled from Masisi to Kisimba and Ikobo areas in Walikale, while others have fled to Goma and parts of Rutshuru. Mai-Mai have also driven Hutu out of certain areas, particularly in Rutshuru and at the extremities of Masisi. In February 1996, the International Committee of the Red Cross estimated that 150,000 people from Masisi had been displaced since November 1995.³⁹ By mid-May, Doctors Without Borders USA estimated that the number of displaced had risen to 250,000.⁴⁰

The latest round of interethnic violence began in southern and eastern parts of the Masisi zone in November 1995. Several factors contributed to rising tensions in the region that set the stage for renewed violence. Threats by President Mobutu and other members of the Zairian government to close the Rwandan refugee camps by the end of December seem to have increased the anxiety of Rwandan Hutu refugees, many of whom believed that they would be arrested or killed if they were forced to return to Rwanda. Hutu leaders in the camps began to talk of Masisi as a "Hutu-land," where Rwandan Hutu could settle as an alternative to returning to Rwanda, which had become a "Tutsi-land." These claims infuriated the area's Hunde, Nyanga, and Tembo, who view Masisi as their ancestral territory and have feared the creation of a "greater Rwanda" or "Hutu-land" in the region, and their leaders called for the camps to be closed and the refugees repatriated. Public comments by General Eluki, the chief of staff of the Zairian army, during an official visit in Goma in November, appeared to give official sanction for the "autochthonous" groups to take up arms once again. In a public setting and in the presence of journalists, General Eluki stated that the Hunde, Nyanga, and Tembo were justified in fighting for the land of their ancestors and seeking to expel "foreigners," which was interpreted by other groups in the region to mean all Banyarwanda, not simply the Hutu refugees.⁴¹

The immediate spark that reignited the interethnic fighting in Masisi seems to have been conflict over local resources, particularly firewood, in the vicinity of several Rwandan refugee camps. Clashes in early December between Mai-Mai and Zairian army soldiers at Bikenge, Masisi town, and elsewhere intensified the level of combat, and violence quickly spread throughout southern Masisi. Mai-Mai appear to have launched most of the initial attacks against Hutu, but Hutu Interahamwe groups quickly responded with attacks of their own on predominantly Hunde and Nyanga villages. Because of their vast numerical superiority and better armaments, the Hutu militia were quickly able to dominate. By the end of December, Interahamwe attacks had driven thousands of Hunde, Tembo, Nyanga, and Tutsi out of parts of Masisi, particularly areas near the refugee camps.⁴²

In the first months of 1996, fighting gradually spread into other parts of Masisi and Rutshuru. Witnesses report that the Hutu militia groups that have been involved in the attacks have contained a mixture of Rwandan and Zairian Hutu. Nzamwitakuze, a young refugee from a collectivity called Bahunde in southeastern Masisi, explains that attacks began in his community in late 1995:

³⁹Hoogesteyn, "Armed Rwanda...," Reuters, February 21, 1996.

⁴⁰Samantha Bolton, "3,000 Tutsi under threat in Masisi-Zaire: Only immediate evacuation can save lives," Medecins Sans Frontieres, press release, May 22, 1996.

⁴¹"Masisi ou la guerre oubliée," p. viii; UNHCR, "Repatriation of Rwandan Refugees."

⁴²Marc Hoogsteyn, "Forty killed in Zaire dispute on Rwandan refugees," Reuters, December 12, 1995; Commission justice et paix, "Masisi: Zone dévastée," pp. 12-13.

When the Interahamwe came to attack, they took everything. They took even our clothes. The clothes we are wearing were given to us by our neighbors. ... The abacombattant came to our area and first killed three people who were guarding the cows. Then people began to flee. When the abacombattant came, they were armed with guns. They could kill a few people with bullets, and then others could be killed with machetes. Our neighbors were attacked, and our own cows were pillaged, so we fled in fear. We fled to the church at Matanda.⁴³

Despite being outnumbered and out-gunned by the Interahamwe, Mai-Mai and Bangirima groups have continued not only to defend their communities but to launch attacks against Hutu and Tutsi in Masisi and Rutshuru, forcing both groups to flee certain areas. Comments by the governor and other political and military officials made the militia believe that they have the support of higher authorities in their struggle.

Beyond the practical fear of losing political power, the Mai-Mai and Bangirima militia have been inspired to continue their struggle by a strong sense of moral purpose. For many Hunde and Nyanga, the war is a noble struggle to defend their ancestral lands and historical prerogatives against people they view as foreign interlopers.

The conflict in Masisi and Rutshuru has expanded beyond guerrilla-style raids on villages, in which people are killed, women raped, and goods stolen. In recent months, open combat between Mai-Mai and Interahamwe has broken out as the groups struggle for control of territory, with Tutsi, who have sought refuge in towns that have become predominantly Hunde, targeted for killing by Interahamwe. Examples of attacks are numerous and include the following:

- Nearly 800 Tutsi who were gathered at the parish of Mokoto in Masisi were attacked on May 12, 1996, by Hutu militia. Some 700 were able to flee to temporary safety in the largely Hunde town of Kichanga, but as many as one hundred of the Tutsi who had sought refuge at the Mokoto church are believed to have been killed.⁴⁴
- According to Gabriel, a Tutsi man who had sought refuge at the town of Tongo in Rutshuru, several Interahamwe, most coming from the refugee camps, were arrested on April 11 as they passed through Tongo. They were carrying bullets and guns which they said were to supply Interahamwe in a planned attack on the town of Kichanga, just across the border in Masisi. According to Gabriel, the attack on Kichanga took place the same day, but the Interahamwe were repelled by the Hunde militia. Gabriel claimed to know one Hutu and two Tutsi who were killed in the battle.⁴⁵
- In early March, Hutu militia came to attack Mweso parish, where several thousand displaced Hunde and Tutsi had sought refuge. According to Hakizimana, a young Tutsi man from Bibwe, Interahamwe shot at aid workers who were unloading supplies for the displaced. Hakizimana reports:

After that, the president of MAGRIVI came, Eraste from Busumba in Masisi. He came to Mweso with the Interahamwe and said, "You must give food first to the Interahamwe if you are going to give it to the Hunde and Tutsi. If not, we will shoot you all."⁴⁶

⁴³Human Rights Watch/FIDH interview, Gisenyi, April 17, 1996.

⁴⁴Samantha Bolton, "3,000 Tutsis under threat in Masisi-Zaire," *Doctors Without Borders*, May 22, 1996; and report on BBC May 13, 1996.

⁴⁵Human Rights Watch/FIDH interview, Nkamira Transit Camp, April 16, 1996.

⁴⁶Human Rights Watch/FIDH interview at Nkamira Transit Camp, April 17, 1996.

- According to various sources, in February Hutu militia attacked Sake, a town just off Lake Kivu considered a Hunde stronghold. The attacks forced many people to flee, including the local Hunde chief, who sought refuge in Goma. Several subsequent attacks, including an attack on April 26, have led to additional deaths and injuries.⁴⁷
- Witnesses from Bibwe in northern Masisi report that early in the morning on January 25, 1996, Mai-Mai attacked the commercial center at Bibwe, killing ten Hutu and forcing both Hutu and Tutsi to flee the community briefly and hide. Later in the day a large group of Interahamwe descended on the community, killing a number of people, including several local Hutu whom they viewed as traitors. The Interahamwe drove some 500 Hunde and Tutsi from Bibwe to seek refuge at Mweso parish.⁴⁸
- The Justice and Peace Commission of the Catholic Diocese of Goma reported that on December 9, 1995, Hunde militia attacked the village of Bikenge in Masisi zone. More than thirty people were killed, including four Zairian soldiers. In response, FAZ forces pillaged and burned Hunde homes in a number of sites in Masisi.⁴⁹

SENDING THE TUTSI "BACK TO RWANDA"

While fighting has displaced thousands of Hunde, Nyanga, and Hutu, driving them from their homes into refuge in other parts of North Kivu, thousands of Tutsi have been forced to leave the country and seek refuge in Rwanda. The Tutsi, who have generally not participated in the militia groups, have increasingly been targeted by both sides in the conflict. While attacks in 1994 and in mid-1995 targeted Tutsi refugees from Rwanda who had arrived in Zaire in the 1960s and 1970s, anti-Tutsi attacks in the current round of violence have expanded to include Zairian Tutsi: those who trace their origins to formerly Rwandan territories now integrated into Zaire or whose families migrated to the region in the 1930s and 1940s. Both Mai-Mai/Bangirima and Interahamwe have insisted that Tutsi "go back to Rwanda," whether or not they are Rwandan refugees. Some Interahamwe have insisted that Tutsi leave Zaire for Rwanda, since Rwanda has become a "Tutsi-land," while claiming North Kivu should be left for the Hutu.⁵⁰

The targeting of Zairian Tutsi began in Masisi and Rutshuru in January and February 1996 and has gradually expanded into Lubero and Walikale. In the last four months of 1995, according to UNHCR statistics, 11,825 refugees categorized as "old case load," those who had fled from Rwanda prior to 1994, returned to Rwanda from Zaire. In the first three months of 1996, 10,164 Zairian Tutsi crossed into Rwanda from North Kivu. Between March and May 1996, more than 8,000 Zairian Tutsi crossed into Rwanda.⁵¹ In June, approximately 3,200 crossed. UNHCR estimated that 17,233 Zairian asylum seekers had crossed to Rwanda by the end of June 1996. A small number of Hunde have also fled to Rwanda.

⁴⁷Luala, "Leur nationalité zairoise ne se marchande pas!," p. 2; UNHCR, "Situation dans le Masisi;" and from interview with Semasaka in Gisenyi on April 6, 1996.

⁴⁸Human Rights Watch/FIDH interviews with Hakizimana, Habimana, and Nyirantunzuwami, in Nkamira Transit Center, April 17, 1996.

⁴⁹Commission justice et paix, "Masisi: Zone dévastée," p. 13.

⁵⁰UNDHA, "Situation Report on Masisi and Rutshuru;" Antonie, "Suspected Hutu killers."

⁵¹UNHCR Services des Statistiques, UNHCR Field Office Gisenyi/Ruhengeri, monthly statistics on repatriation 1996; UNHCR Service des Statistiques, Kigali, annual statistics 1995, monthly statistics 1996.

Habimana, a Tutsi from Bibwe in Masisi, explains how Tutsi began to be targeted in his community in January 1996:

In our area there were no problems for Tutsi until January [1996]. There was fighting between Hunde and Hutu that had been going on since 1993. In 1993, the Mai-Mai took all of our cattle, along with MAGRIVI. They took just our cattle and goats. There was no pillaging of homes, no attacks on people. After this, though, it became calm, because the military came and stopped the fighting. They disarmed the Hutu. ... When the Interahamwe came from Rwanda to Zaire, they told local Hutu to remember their arms. Before, things had been calm, but the Interahamwe started to organize the Hutu. You could buy one L4 rifle for four cows. The Hutu began to arm themselves. The Hutu began to tell us to return to Rwanda, because Tutsi had taken Rwanda. "We don't want Tutsi here, because it was you who made us flee from our country. Go back to Rwanda." Hutu from other places began to come, and they were welcomed by neighbors. Then they would attack homes at night.⁵²

Gasamuyinga Rutshogoza, a middle-aged Tutsi man from Bukombo, an area in Bwito collectivity just across the Masisi border in Rutshuru zone, recounts that a mix of Zairian and Rwandan Hutu came to attack Tutsi in the community on March 4:

The [Hutu] abacombattant started by burning the house of a widow. ... They burned many Tutsi homes, but they left the homes of the Hutu untouched. It was local people from Bukombo, helped by people from Masisi. There were many Rwandan Hutu at Bukombo. Many. They came to take the young Hutu who were from the community and they gave them militia training. ... There was a group of neighbors who attacked with a Captain Sibomana. He was the "chief" of the village, the leader of a group of youths. This was not an official title, but after he got a lot of money from raising pigs, they began to call him captain. It was he who stole my money and my goods. It was he who was at the head of the group that attacked my house. They came at 11:00 at night. They attacked the home with machetes. They cut my father, Rwangaguhaba, with their machetes and killed him. They killed another neighbor in addition to my father. My mother was injured, but she was not killed."⁵³

Survivors from Bukombo list at least eleven Tutsi from the community know to have been killed during the March 4 attack: Rwangaguhaba, Bajoje Rwamuhizi, François Ndamiyumuhatsi, Kwisebura, Kamanzi, Ngarambe, Kabanda, Marthe and her son, Nyaramba, and Rutsitsi.⁵⁴ After the attack, Bukombo's Tutsi fled to nearby Birambizo Catholic parish, where Hutu abacombattant came to attack a few weeks later.

Several witnesses reported that Tutsi living around Tongo in Bwito Collectivity in Rutshuru Zone were attacked by Interahamwe in mid-March. One survivor recounts that after his home had already been raided, he was attacked as he fled to Tongo with a group of other Tutsi, accompanied by two locality chiefs who offered to escort them: "On the way to the town, we were attacked by a group that began to pillage. They took everything we had with

⁵²Human Rights Watch/FIDH interview at Nkamira Transit Center, April 17, 1996.

⁵³Human Rights Watch/FIDH interview at Nkamira Transit Center, April 16, 1996.

⁵⁴Based on Human Rights Watch/FIDH interviews at Nkamira Transit Center, April 16, 1996, and Gisenyi Hospital, April 17, 1996.

us. They even took our clothes." Tutsi refugees were grouped in several locations in Tongo and protected by gendarmes, but Interahamwe came to attack them in these locations as well.⁵⁵

Since late March, anti-Tutsi violence has spread to areas dominated by Hunde, Nande, and Nyanga in Walikale and Lubero zones. Attacks against Tutsi in Walikale zone began in an area known as Ikobo which, along with neighboring Kisimba, has become a major site of refuge for Hunde and Nyanga fleeing violence in Masisi. As the refugees arrived in the area, they found that much of the land was controlled by Tutsi, who used the land for grazing cattle and goats. As with Hutu refugees arriving in Masisi and Rutshuru from Rwanda, the displaced Hunde and Nyanga who arrived in Ikobo worked to radicalize the local Hunde and Nyanga population, known as the Bakobo. The displaced population was integrated into local Mai-Mai militia groups.⁵⁶

The first Mai-Mai attacks targeted specifically against Tutsi began in Ikobo around March 14. According to a young Tutsi man from Katikwu village in Walikale Zone:

There was a group of people, eighty to one hundred, armed with knives, spears, guns. They came at about 5:00 p.m. They came to my neighbor Sebatware and pillaged his cows. This was the first attack. The group of bandits came and then left, but this was followed by other attacks. ... When we saw that they were going to pillage all of our cattle, we went to an area to the side, to Mirigi in Lubero.

They came back a week later to Mirigi and attacked again. I saw them myself this time. We had gone to take refuge with our friends in Mirigi. The bandits came again at around 10:00 in the morning. At this time, they took many cows. They took all of my cows, all seventy, and they took one hundred from the friend with whom I was staying. So we fled from there to go to Kanyabayonga. We had no cattle left, so we just left with our families. ... When we were there, they harassed us. Leave for Rwanda. It's your country.' The Nande said this. Also there were some soldiers who said this.⁵⁷

After a number of Mai-Mai raids against Tutsi in Ikobo, most local Tutsi fled with their remaining cattle to Lubero, a nearby zone where there were also many Tutsi herders. The Mai-Mai from Ikobo, however, pursued the Tutsi into Lubero. According to a number of testimonies gathered by Human Rights Watch/Africa and FIDH researchers, the Mai-Mai from Walikale joined with local Lubero Hunde and Nande Bangirima militia groups to attack both displaced Walikale Tutsi and Tutsi from Lubero.

Nyirasengo Kabami, a Tutsi woman from Mwekwe village in Lubero Zone recounts that she and her family fled to nearby Mbabinyo village when they heard that the Bangirima had come to attack their village, but the Bangirima soon came to attack there as well:

We waited at Mbabinyo, and the bandits arrived there. The bandits were called Bangirima. We were staying with Nande, with friends. Some other Nande arrived and told us to hide, because the bandits, the Bangirima, were coming. We sent our cattle on up the road, to hide them. The bandits came to where we were hiding The friends who were hiding us closed the door and shut us inside. The bandits asked if there were any Tutsi there. The friends said no. The bandits had lances,

⁵⁵Human Rights Watch/FIDH interviews conducted at Nkamira Transit Center, April 16, 1996.

⁵⁶Human Rights Watch/FIDH interviews conducted at Nkamira Transit Center, April 1996.

⁵⁷Human Rights Watch/FIDH interview at Nkamira Transit Center, April 5, 1996.

guns. They numbered more than forty. Our Nande friends did everything they could to save our lives. The Nande said that our cattle had gone up the road, so the bandits followed the road to get the cows and steal them. The bandits took the car that was at the house to chase after the cows. After this they returned the car and left, and we went to Kanyabayonga by car, in this same car. ... I saw the bandits myself. I was looking out the windows when they came to the house. They were all strangers. But then, I could not recognize them because of what they wore, bark from trees, animal skins. ... They even wore skirts and dresses. They covered their faces in black so that they could not be identified.

When they came back to the house where we were hiding, they said that the Tutsi should go back home [to Rwanda]. They said if there are any Tutsi here, they should leave immediately. Otherwise, we will come back and kill them.⁵⁸

As the anti-Tutsi attacks quickly spread across Walikale and Lubero, hundreds of Tutsi, the vast majority of them Zairians, according to witnesses, began to converge on the center of Kanyabayonga. The Zairian military had organized buses to transport Tutsi for a fee of US \$12 from Kanyabayonga to Goma, where they could then cross into safety in Rwanda. Witnesses reported that the displaced Tutsi were scrambling to raise the money to buy places for their families on the buses to Goma. According to a school director from Kanyabayonga:

Refugees who were coming with the rest of their cattle sold them for low prices before they could leave. Cows could usually be sold for \$200, even more if they were big and healthy. The refugees had to sell their cows for \$20.⁵⁹

Buses began to leave Kanyabayonga during the final days of March. On April 2, the Mai-Mai and Bangirima came to attack the town of Kanyabayonga itself. According to the school director and other witnesses, the attackers were assisted by local Nande, who indicated the homes of Tutsi and participated in the attacks. The military did nothing to protect the town. Tutsi fled from the city into the bush, then returned in the evening after the attackers had left. In the next several days, thousands of Tutsi in the community chose to leave for Goma in the military buses.⁶⁰

Following attacks in Walikale and Lubero, Zairian Tutsi refugees began pouring into Rwanda on March 27, 1996. According to UNHCR figures, between March 27 and April 16, in a period of only three weeks, 4,820 Zairian Tutsi fled North Kivu into Rwanda. By late May, more than 8,000 Zairian Tutsi were gathered in two camps just across the Zaire border in Gisenyi prefecture of Rwanda. At the same time, thousands of other Tutsi were gathered in centers throughout North Kivu, such as Kikuku, Rutshuru town, Tongo, and Kichanga, where they continued to be harassed by militia, particularly Interahamwe. Many Tutsi have been afraid to make the journey to Rwanda, because the road to the border runs past the Rwandan refugee camps and other areas where Hutu militia are strong.⁶¹ Karambizi Ntabaringamira, a young Tutsi man from Ngololo in Bwito Collectivity, was injured by Interahamwe in Rutshuru, then again by Hutu refugees when the Zairian military forced the vehicle he was in to stop outside a large refugee camp:

⁵⁸Human Rights Watch/FIDH interview at Nkamira Transit Center, April 5, 1996

⁵⁹Human Rights Watch/FIDH interview at Nkamira Transit Center, April 5, 1996.

⁶⁰Based on Human Rights Watch/FIDH interviews conducted at Nkamira Transit Center, April 5, 1996.

⁶¹UNHCR, Department of Statistics; Mseteka Buchizya, "Thousands on move from violence in Eastern Zaire," Reuters, May 7, 1996; Chris Tomlinson, "Zaire/Refugees," Voice of America, May 29, 1996.

Yesterday [April 15] we left Rutshuru. We passed Kibumba [refugee camp] at about 7:00 p.m. I was again hit with a stone, on the same leg. That is why it is so swollen. I was in a vehicle with a few other people, not in a bus. We were stopped at Kibumba at the barrier by Zairian soldiers. They demanded that we pay them to let us pass. While the driver was negotiating with the soldiers, Interahamwe came and began threatening us. They said, "Where are you going? We will follow you and kill you. Even if you go to Rwanda, we will follow you there and kill you." Then they started throwing stones.⁶²

Many of the Tutsi interviewed for this report insisted that, although they speak Kinyarwanda, they are Zairians, not Rwandans. Their families have lived in Zaire for generations, and they have no connection to Rwanda. Gasamuyinga Rutshogoza is typical of many other refugees recently arrived in Rwanda when he said:

My family is Zairian. My father and grandfather were both born at Jomba [in Zaire]. They moved to Bukombo when my father was young. They left me large tracts of land in Bukombo.⁶³

A CAMPAIGN TO CREATE ETHNIC ENCLAVES

The primary goal of the attacks that have been taking place in North Kivu has been to create ethnically pure enclaves by forcing members of competing ethnic groups out of targeted areas. The Hutu refugees in particular, fearing forced repatriation to Rwanda, have sought to increase the land available to them by targeting members of other ethnic groups. The Hutu refugees have sought to guarantee that, should the refugee camps be closed, they have a fall-back destination other than Rwanda, where many could face arrest for participation in the genocide of 1994. As the Interahamwe have driven Hunde and Nyanga out of areas in Masisi and Rutshuru, displaced members of these groups have in turn sought to acquire new land for themselves. For both Mai-Mai/Bangerima and Interahamwe, Tutsi have been logical targets, because despite their relatively limited numbers, they have controlled extensive tracts of land used for grazing.⁶⁴

A number of means have been used to force targeted populations to flee in order to create ethnic enclaves. Pillaging has been widely employed by militia as a weapon to drive targeted ethnic groups out of their homes. Both Mai-Mai/Bangerima and Interahamwe militia groups have pillaged extensively, stealing livestock and household goods. A number of refugees claim that when they were attacked, they were stripped even of the clothes they were wearing. In many areas, militia have burned houses as well. By destroying the homes of the targeted groups and by taking their means of earning a living, the militia clearly intended to force them into leaving the area.

In certain militia attacks where pillaging has occurred, violence has been fairly limited, particularly in Walikale and Lubero. But this was not simple banditry; pillaging has been clearly designed to encourage the victims to leave the area, since the attacks have almost always been accompanied by demands for the victims to flee and by threats of future violence if they remain. For example, on March 27 and 28, Mai-Mai and Bangerima pillaged the rural community in Lubero zone where Gilbert, a Tutsi teacher born in Rutshuru zone, was living. In the first attack, the militia stole one hundred cows, and on the next day, they stole another fifty. According to Ngirabakunzi:

⁶²Human Rights Watch/FIDH interview at Nkamira Transit Center, April 16, 1996.

⁶³Human Rights Watch/FIDH interview at Nkamira Transit Center, April 16, 1996.

⁶⁴Commission Justice et Paix, "Masisi: Zone devastée," p. 12; UNDHA, "Situation Report on Masisi and Rutshuru."

When they take your cattle, when they take your livelihood, it gives you a great moral shock. We wept. Those of us who were pillaged, we wept as they took our cattle. They told us, "Don't cry for your cattle; cry for the blood we are going to spill the next time we come!" They told us, "Go back to Rwanda, because you already have your country." There at Lubero, I have land that I have worked and many cattle. In Rwanda I have nothing.⁶⁵

According to numerous testimonies, Mai-Mai, Banigirima, and Interahamwe have all warned Tutsi to "go back to Rwanda." Mai-Mai and Bangirima have used the same argument against Hutu. According to a refugee from Bibwe:

The Mai-Mai came at 5:00 in the morning, and we fled to the forest. They pillaged homes, broke our radios and machines, ripped up our money. They said, "All Rwandans should take their bags and go to Rwanda." For them, neither Tutsi nor Hutu should stay.⁶⁶

Pillaging has been most widely targeted against Tutsi, who are perceived to be the wealthiest group in the region, but has also affected other groups.

Violence has been the primary tool used to achieve the expulsion of Tutsi (and others) in Masisi and Rutshuru. No accurate statistics regarding the number of people killed since the conflict reignited late last year are currently available, but the figure is clearly in the hundreds and steadily mounting. As one young woman who fled to Rwanda from Bishusha in Rutshuru zone in June 1995 explained:

In our region, it was a mix of Hutu, Tutsi, and Hunde. The Hunde started by attacking the Interahamwe to make them return to Rwanda. But then they began to attack everyone. Now the Tutsi have left, and the Hutu remain, and there is fighting between Hutu and Hunde.⁶⁷

The attacks discussed in this report represent selected examples, and in no way comprise a comprehensive list. Some places, such as Sake, Kichanga, and Masisi town have been attacked repeatedly by Interahamwe in the effort to drive out Hunde, Nyanga, and Tutsi. Other communities in Rutshuru and Lubero have been repeatedly attacked by Bangirima and Mai-Mai to drive out Hutu and Tutsi. Attacks by militia initially took the form of raids on communities, in which a small number of people were killed and goods were pillaged, apparently with the intention of frightening the survivors into fleeing. But since February, attacks have become increasingly bloody, as with the massacre at Mokoto parish. An additional troubling development has been the reports of sustained battles waged between militia groups, as the militia vie for control of various territories. The towns of Sake, Kichanga, Bambu, and others have seen repeated fighting, with militia members killed on both sides and numerous civilians wounded or killed.⁶⁸

In some areas, rape of women and girls appears to have been widespread, particularly in Masisi and Rutshuru. Although many of the people interviewed for this report were reluctant to discuss the issue, several confirmed that militia had used rape during attacks on their communities. Sexual violence against women has been an effective weapon to drive populations to flee their homes, both because of the severe social consequences for the

⁶⁵Human Rights Watch/FIDH interview at Nkamira Transit Center, April 5, 1996.

⁶⁶Human Rights Watch/FIDH interview at Nkamira Transit Center, April 17, 1996.

⁶⁷Human Rights Watch/FIDH interview at Nkamira commercial center, April 16, 1996.

⁶⁸Mseteka, "Thousands on move"; Tomlinson, "Zaire/Refugees;" and witness accounts in Human Rights Watch/FIDH interviews.

victims and because of the negative reflection on the fathers and husbands, who are expected by society to protect the women of their community. Rape was used as a weapon to terrorize and dehumanize Tutsi women during the genocide in Rwanda. Since the renewal of conflict in North Kivu charges of rape of Tutsi women by Interahamwe militia members have been frequent, suggesting a continuation of the practices used in Rwanda. Nevertheless, all the militia groups have been accused of rape, and women from all ethnic communities have been targeted.

The process of ethnic violence has been supported by the pursuit of targeted populations as they seek refuge, with Mai-Mai and Bangerima, or Interahamwe, or both, following them and attacking. Interahamwe have attacked displaced Hunde and Tutsi who have gathered at churches and schools in Mweso, Kichanga, Matanda, Mokoto, Birambizo, Tongo, and Rutshuru, seeking to drive them out of Masisi and Rutshuru entirely. Mai-Mai from Ikobo in Walikale have pursued Tutsi into Lubero, attempting to drive them out of the country. Many of the refugees currently coming out of North Kivu report fleeing from one community to the next, with the Mai-Mai or Interahamwe or both following them and attacking again and forcing them to move on. The point of this pursuit seems to be to drive populations as far from their homes as possible so that return becomes increasingly difficult.⁶⁹

The effect of all of these strategies has been to create ethnic territories. As the Commission of Justice and Peace of the Goma Catholic Diocese noted in February, the fighting has devastated the region:

The attacks are thus systematically directed and by village. Entire villages are burnt, cows scandalously pillaged, people are injured, other killed. Thousands of people, including customary chiefs, have been chased from the villages. The cattle herds of Masisi are have been destroyed. The entire economy of the zone is ruined. Villages are now separated by ethnicity.⁷⁰

Continuing violence in North Kivu supports the conclusion that the establishment of monoethnic territories in an historically multiethnic area is inherently unstable. Even after most communities have been cleared of all but a single ethnic group, fighting continues as each group seeks to expand its territory. People who have been driven from their homes seek to reclaim the land which they consider theirs by right and therefore attack communities they have left in an attempt to eject in turn those who drove them out. Hutu militia in Masisi have continued to attack centers such as Sake and Kichanga that are currently dominated by Hunde, while Hunde have fought to defend their communities. With many communities now bereft of ethnic diversity, the intensity of combat has increased rather than diminished, and the number of dead continues to mount.

COMPLICITY OF THE ZAIRIAN GOVERNMENT

Despite the severity of the conflict in North Kivu, Zairian government officials at the local, regional, and national levels have shown little commitment to ending the conflict or protecting civilians. Government initiatives to disarm combatants and stop fighting have received only limited official endorsement, and little commitment of resources. The national authorities have failed to act consistently to halt the conflict. Indeed some government and military leaders have exploited the conflict for their own political purposes, while incendiary public statements by various national and regional leaders have played a major part in fanning its flames.⁷¹

⁶⁹Mseteka, "Thousands on move"; Commission Justice et Paix, "Masisi: Zone devasté," p.14; and Human Rights Watch/FIDH interviews.

⁷⁰Commission Justice et Paix, "Masisi: Zone devasté," pp. 12-13.

⁷¹Chris McGreal, "Zaire: Instability Revives Mobutu's Fortunes," *Janes Defence Weekly*, May 1, 1996; "Masisi ou la guerre oubliée," p. viii.

The primary government initiative taken to address the latest phase of the conflict in North Kivu has been "Operation Kimia" (Operation Peace), a military operation announced as intended to disarm combatants and restore calm. Following a visit to Goma by a delegation of government ministers, Operation Kimia was launched on April 11, 1996, as the first step in an effort to bring about peace talks between the warring groups. Over the course of several weeks, approximately 800 FAZ troops, including members of the Para-Commandos, DSP, and the Service d'Action et de Renseignement Militaire (SARM), were deployed in Masisi. These troops have guarded roads and markets, and according to observers in the zone, they have restored order at least temporarily in some areas, so that people have been able to return to their fields and markets.⁷²

The ultimate success of Operation Kimia, however, is likely to be limited. The governor of the region first promised in February that military reinforcements would be sent to the zone, but the violence was allowed to intensify for another two months before troops were sent. The soldiers participating in the operation have extremely limited material resources, making it likely that they will turn to looting and graft to support themselves. The stated primary objective of disarming the militia has met with little success, and mostly traditional arms have been collected, along with very few guns. According to the U.S. Committee for Refugees: "The elite DSP troops engaged in Operation Kimia have been somewhat effective. Other, non-DSP troops, however, have generally been ineffective at best and, at worst, have facilitated or participated in violence and looting."⁷³

Despite a lull in fighting in the area just after the deployment, by the end of April, fighting had recommenced and intensified throughout May. Major attacks have taken place at Kichanga, Nyamitaba, and Mokoto in Masisi. In addition, fighting has escalated in Rutshuru, where troops have not been deployed, and violent incidents have been taken place near Goma. No initiatives have been taken to organize peace talks between the parties in the conflict.⁷⁴

The history of the involvement of the Zairian military in the conflicts in the region also raises serious doubts about the potential success of a purely military response. The Zairian military has been responsible for serious human rights violations, and has established a pattern of corruption and a lack of discipline which enables soldiers to take sides in the conflict for their own profit. While most of the attacks in the current round of violence apparently have been carried out by civilian militia, the Zairian armed forces have occasionally supported attacks by one or the other militia group. After several members of the Parachute Commandos were killed by Hunde attacks in early December 1995, for example, the "Paras" attacked Hunde villages. They have subsequently joined with Interahamwe in several attacks, though in some areas there has also been combat between the Para-Commandos and Interahamwe. The police and DSP have been accused of supporting the Mai-Mai and Bangirima in various attacks.⁷⁵ There have been no investigation or prosecution of these abuses, which contributes to the climate of impunity.

More often than actually participating in the fighting, soldiers and police have simply profited from the chaotic situation. When Mai-Mai, Bangirima, or Interahamwe have arrived, the soldiers and police have fled the communities they were assigned to protect. Soldiers and police have been accused of pillaging from all sides in the conflict. Pillaging is not the only example of ways in which military and police have profited from the conflict. The

⁷²UNDHA, "Situation Report on Masisi and Rutshuru"; "Zaire: Zaire Accuses Rwanda Refugees of Killing Six," Reuters, April 30, 1996.

⁷³U.S. Committee for Refugees, "Masisi, Down the Road from Goma: Ethnic Cleansing and Displacement in Eastern Zaire," June 1996, p. 8.

⁷⁴Hoogesteyn, "Armed Rwanda Hutus"; Bolton, "3,000 Tutsis under Threat in Masisi"; UNDHA, "Situation Report on Masisi and Rutshuru"; "Zaire: Zaire Accuses Rwanda Refugees;" BBC World News, June 2, 1996.

⁷⁵"Masisi ou la guerre oubliée," p. viii; Commission Justice et Paix, "Masisi : Zone devasté," pp. 13-14; Hoogesteyn, "Forty killed in Zaire dispute."

Zairian army has required refugees to pay to be evacuated by bus, and soldiers have demanded refugees pay fees to pass by barriers on their way to refuge. Several Tutsi refugees in Rwanda report that they paid US \$12 or US \$15 for transport from Kanyabayonga or Katwe to Goma but were instead dropped off halfway there, at Rutshuru, where they were then attacked by Interahamwe. The interest of the soldiers was obviously not in protecting the threatened groups but in making a quick profit by transporting as many people as possible out of the communities where they were being attacked.⁷⁶

Even where soldiers or police have demonstrated good intentions to stop the violence, they have been hampered by inadequate equipment and personnel. Several examples in the region make clear that where there is a will, sufficient discipline, and adequate support, the attacks can be stopped and victims protected. In the town of Rutshuru, for example, the contingent of gendarmes was sufficiently large to provide protection to refugees at a local school when they were attacked by Interahamwe in mid-April. Several witnesses praised the commander of the police at Kanyabayonga for trying to prevent violence.⁷⁷

In general, however, even when military or police have attempted to intervene to stop fighting, they have been too few in number and too poorly supplied to succeed. In several instances, as in the town of Masisi in December where soldiers were attacked by Mai-Mai, soldiers or police have themselves been targeted by militia from one side or the other. In other instances, good intentions have been hampered by inadequate material resources and personnel. According to one witness, after his community in Lubero was attacked, the gendarmes were called and came quickly. A group of gendarmes stayed for the night, but left in the morning:

When they were leaving, we asked the captain of the gendarmes who had come from Kanyabayonga to leave at least a few soldiers. The captain said that he understood the problem, but he did not have enough men. He said it was unfortunate, but he could not leave men. They left about 10:00 a.m., and the bandits came back by 11:00 a.m..⁷⁸

In general, a military response seems unlikely to bring lasting peace to the region as long as the political will for peace is lacking. The Commission of Justice and Peace of the Catholic Diocese of Goma noted that:

More than a few people think that these military operations are only a masquerade. All that one can say is that the soldiers traffic in arms, conduct commerce in pillaged cows and agricultural products (beans). Perhaps peace will return to Masisi when there are no more cattle, no beans. And that moment will arrive soon.⁷⁹

The greatest obstacle to establishing peace in the region is the complicity and involvement in the conflict by government officials, as evidenced by the targeting for expulsion of the Tutsis. Refugees from the violence in Zaire who were interviewed for this report universally expressed the belief that Zairian government officials have been behind the attacks. One refugee stated:

The stories of government complicity are numerous. The attacks and violence have clearly been targeted. In November, it was only Tutsi who had their homes pillaged. Some Tutsi were taken to

⁷⁶Commission Justice et Paix, "Masisi: Zone devasté," pp. 13-14; "Masisi ou la guerre oubliée," p. viii; and Human Rights Watch/FIDH interviews.

⁷⁷Human Rights Watch/FIDH interview in Nkamira Transit Center and Gisenyi, April 5, 16, and 17.

⁷⁸Human Rights Watch/FIDH interview at Nkamira Transit Center, April 5, 1996.

⁷⁹Commission Justice et Paix, "Masisi: Zone devasté," p. 14.

the road block and thrown out of the country by force. In Goma, only Tutsi were targeted. It is just as in Walikale and Lubero now. Some members of my family lived between Nande families who still have their cattle. Only our cattle were pillaged.⁸⁰

The refugees report numerous instances of local officials who participated in militia attacks. According to several refugees from Walikale, the locality chief in Ikobo was involved in the raids against Tutsi there. One Tutsi man from the region testified:

My family had 300 head of cattle that were stolen at Walikale. This happened just in the past few weeks [in late March]. The chief of the locality, Matshozi Likanga, was involved. He even led the group of Bangirima that stole our cattle — mine, my father's, and my brother's.⁸¹

Another Tutsi from Walikale who took refuge in Lubero reported that in late March the section head of Mirigi, Njenja Kyamwami, sent his assistants to demand a cow from each of the Tutsi in the area:

The commandant sent his police. They came by and asked for a cow. They took one of my cows and one cow from the man in whose house I had taken refuge. They said they would protect us in exchange. They said they would protect all of us herders. ... This was the day before the attack. The next day the bandits came [and took all of our cattle] and the commandant did nothing.⁸²

Several refugees who had sought shelter in Kanyabayonga claim that Muhindo Pandasi Rukira II (head of *groupement*), in Bwito, required Tutsi to provide cattle in exchange for protection. They then saw him come to Kanyabayonga the day before the April 2 attack there to sell the cattle, but no protection was provided.⁸³ While none of the refugees interviewed for this report claimed to have seen government officials actually injuring or killing during any of the attacks, many people were convinced that local officials strongly supported the actions of the militia, particularly the Mai-Mai and Bangirima.

More troubling than the involvement of local officials and low-level military personnel in the conflict has been the complicity of higher level officials. The initial attacks in Masisi in March 1993 followed comments by then-governor Jean-Pierre Kalumbo Mboho questioning the nationality of the Banyarwanda. Likewise, the latest round of violence followed comments in November 1995 by General Eluki, the army chief of staff, in which he stated his belief that the Hunde, Nyanga, and Tembo were justified in their effort to protect the land of their ancestors and to expel "foreigners," a clear reference to the Banyarwanda.⁸⁴

Numerous other official actions seem to give sanction to the attackers. The refugees coming into Rwanda in April reported that their Zairian identity cards, which identify them as Zairian citizens and would be necessary for them to re-enter the country, were taken by guards at the border and destroyed. The refugees were also forced to turn

⁸⁰Human Rights Watch/FIDH interview in Gisenyi, April 17, 1996.

⁸¹Human Rights Watch/FIDH interview in Gisenyi, April 17, 1996.

⁸²Human Rights Watch/FIDH interview at Nkamira Transit Center, April 5, 1996.

⁸³Human Rights Watch/FIDH interview at Nkamira Transit Center, April 5, 1996.

⁸⁴"Masisi ou la guerre oubliée," p. viii; Amnesty International, p. 22.

over all of their Zairian money. These actions represent troubling official signals that the Zairian Banyarwanda, and Tutsi in particular, are being arbitrarily stripped of their Zairian nationality.⁸⁵

The reaction of the current governor of North Kivu, Christophe Moto Mupenda to the conflict has also been disturbing. In public comments, Moto Mupenda has repeatedly minimized the severity of the violence and has lashed out at critics who have tried to pressure him to take stronger action. In addition, he has often spoken in terms that have heightened tensions, for example publicly doubting the claims of nationality for Zairian Banyarwanda.⁸⁶

According to witnesses who were in Kanyabayonga, Governor Moto Mupenda came to town with the vice-prime minister of Zaire on March 31. Various prominent local individuals raised the problems of ethnic violence in the meetings, but the officials subsequently took no action. Two individuals from Kanyabayonga explain the followup to the visit:

The following day, the chief of the city held a popular meeting. During the meeting what astonished us is that he addressed the Tutsi and said, "Go home. Go guard your cattle. There is no more war here." This was when our cows had already been stolen! He told us to go guard our cattle! This speech by the chief of the city was the day after the governor had come, and the next day we were attacked in his city.⁸⁷

In a pastoral letter issued on April 20, "Renoncez au Mensonge," the Catholic bishop of Goma, Faustin Ngabu, condemned the false arguments used to support the ethnic attacks, such as the idea that the Tutsi are not "true" Zairians. He also strongly condemned the role of government officials in the violence:

The authorities who should come to help the victims of violence seem on the contrary to want to feed the fire that destroys them. ... We are troubled to note that these practices that sow division, misery, and death within the different ethnic groups in our Region are the result of an organization at a high level, and we regret that the regional and local authorities who have as a mission to inform the central government about the reality of facts prefer to execute directives based on lies.⁸⁸

The governor of North Kivu responded to the letter at a public meeting on April 24, attributing to the Tutsi responsibility for the conflict. According to a broadcast by a local station, Radio Star, he said:

The Governor of the Region made it known that this declaration is nothing less than a slander and a gross lie by the Catholic Prelate directed at the authorities of the Country and it is necessary at all costs to react to clarify public opinion. According to the regional authority, the causes of the conflicts in North Kivu are known by everyone. Far from being lies, the conflicts are created deliberately by people who want to be given a status that they don't have. It is these who deformed the truth, who can be called liars, and not the regional authorities. The Governor of the Region

⁸⁵Human Rights Watch/FIDH interviews in Nkamira Transit Center, April 5, 16, and 17.

⁸⁶"Reaction de l'autorité regionale du Nord-Kivu, Mr. Christophe Moto Mupenda vis à vis de la déclaration de l'Evêque de Goma, Mgr. Faustin Ngabu sur la situation générale qui prévaut dans la Région actuellement," Radio Star, Journal parlé de 18h00, April 24, 1996; Christophe Moto Mupenda, "Communiqué Officiel," December 6, 1995; Hoogesteyn, "Armed Rwanda Hutus"; "Zaire Accuses Rwanda Refugees."

⁸⁷Human Rights Watch/FIDH interview at Nkamira Transit Center, April 5, 1996.

⁸⁸Faustin Ngabu, "Renoncez au Mensonge" Declaration de Mgr. Faustin Ngabu, Evêque de Goma aux Chrétiens et aux Hommes de Bonne Volonté," April 21, 1996.

reminded those in attendance that since the beginning of the confrontation, both Hunde and Hutu have been displaced from their villages and no one has raised his voice. When the Tutsi are being knocked about, voices are raised everywhere. Is it the ethnic group cherished by the Catholic prelate, the regional authority demanded. This same observation was made by Mwami Kalinda, who asked that Mgr. Ngabube be tried for his discourteous pronouncements regarding the Zairian state.

Finally, the Governor of the Region, Moto Mupenda confirmed that the Tutsi who have returned to their mother country were Rwandan refugees from 1959, installed at Bibwe [in Masisi] and who had infiltrated into the Collectivities of Batangi and Bamate in the zone of Lubero searching for arable land. They decided to return voluntarily to Rwanda; in short, this is not an issue of expulsion nor refoulement, the Governor of the Region, Mr. Christophe Moto Mupenda, concluded.⁸⁹

Interviews with Tutsi who have recently fled Zaire indicate that the majority of them are not, in fact, refugees who fled Rwanda in 1959, and they insist that their flight from Zaire was not voluntary but forced.

Most recently, according to news reports, the governor rejected criticism of Operation Kimia. When the national radio station, The Voice of Zaire, reported on April 30 that local officials in Masisi claimed that killings were continuing in the region despite Operation Kimia, mentioning in particular six people who had been ambushed in one area in the five preceding days, the governor rejected the claims. According to a Reuters report, Moto Mupenda said, "I have not caught wind of these killings. The radio is adding fuel to the fire. I have the impression that there are people who do not want tension in Masisi to be defused."⁹⁰

The governor is ultimately responsible to authorities in Kinshasa, and the case presented by Emmanuel, an industrialist from Goma, provides a troubling indication that leaders at the national level have also been involved in the interethnic violence in North Kivu:

I left Goma, because I was pillaged by the Zairian military. In November [of 1995] there were two soldiers and four civilians who came to pillage my house. They took my luggage, everything, even my diploma, though I got that back a little later. They said, "Go to Rwanda, because you're Tutsi." The next day, I went to file complaints at the office of the military chief and at the governor's office. But the authorities did nothing. There were other prominent Tutsi who were targeted at the same time.

In January, the 18th of January, there was a friend of mine who was a soldier. He came to tell me that the military was coming to find me. SARM, the Service d'Action et de Renseignement Militaire, Mobutu's elite service was coming to take me. The friend advised me to flee. When they come to get someone, it is to torture them to death. In November, at the same time that the group came to pillage my house, SARM took two other people, Tutsi. They were at home at the time, and they took them under the pretext that they had arms. Their names were Samuel and Fiat. They were tortured, nearly to death, then they were sent to Kinshasa. The troops produced a grenade and said that they had been stocking arms, which was obviously a set up. The two were taken to Kinshasa and tortured, then liberated. ...

When I heard that the same group was coming to search for me, I came immediately to the road block at the border. I got a pass and went into Rwanda. Five minutes after leaving my office, they

⁸⁹"Reaction de l'autorité regional du Nord-Kivu," Radio Star.

⁹⁰"Zaire Accuses Rwanda Refugees," *BBC World News*.

came to search for me there. Then they went to my home. The next day they came to the road block and asked if I had crossed over, and they were told that I had.⁹¹

According to Emmanuel and a number of other witnesses, numerous cases of attacks and assassinations raised with authorities at the local, regional, and national levels have received no response. For example, the killing in May 1995 of Nyangezi, a Tutsi judge at Jomba-Gisigari in Bwisha collectivity, has never been officially investigated, despite requests by local residents. Local officials who have participated in attacks in various parts of the region have received no official reprimands or punishment, but continued to enjoy impunity for their acts.

The Human Rights Watch Arms Project report, "Rearming with Impunity," published in May 1995, demonstrated extensive involvement by the Zairian government in providing arms to the Hutu militia and the ex-Force Armées Rwandaises (FAR). The Interahamwe and ex-FAR have been allowed considerable liberty to move and operate within both North and South Kivu and have even been provided territory to conduct training. These activities have taken place with the involvement of various military officers and regional officials and have certainly had the endorsement of national officers and officials.⁹²

THE INTERNATIONAL RESPONSE

The international community has tried to ignore the conflict in North Kivu, choosing instead to focus on the refugee crisis in isolation. The massive international assistance provided to the Rwandan refugees in Zaire did not benefit the local Zairian population who suffered from the impact of the refugees, including environmental devastation, the increased arms flows and the growing insecurity in the region. In addition, the sources of the 1993 ethnic conflict in North Kivu and the role played by Zairian security forces in the conflict remained unaddressed, all of which made a new explosion of ethnic violence predictable.

Moreover, as noted, the Zairian authorities have played a key role in re-arming the ex-FAR, providing shelter and protection to them and other Hutu militias in eastern Zaire, and permitting these forces to carry out military training and raids into Rwanda. This close association between the Zairian security forces and elements of the Hutu refugees in Zaire was well-known to the international community, and clearly pointed to the spill-over that was likely to occur on the ethnic tensions in the region.

Although France, Belgium, and the U.S. — known as the troika — have periodically collaborated to support the transition process in Zaire and have conducted joint initiatives, they have remained silent on the conflict in North Kivu. Only the U.S. government has publicly condemned the recent violence, though U.S. officials have been careful not to strongly criticize the Zairian government's role. The troika, as well as the United Nations, have focused their attention largely on the fate of the refugees in Eastern Zaire, the forthcoming presidential elections in Zaire, and the role that Mobutu plays in the Great Lakes region.

France went so far as to renew its assistance to Zaire at the height of the expulsions, in April 1996. All but humanitarian assistance had been cut off in October 1991. A spokeswoman for the Ministry of Cooperation said French aid would be for the health and education sectors, but did not disclose the amount. The spokeswoman added that the French decision did not reflect a determination in Paris that human rights had improved in Zaire.⁹³

⁹¹Human Rights Watch/FIDH interview in Gisenyi, April 17, 1996.

⁹²Human Rights Watch, "Rearming with Impunity."

⁹³Francois Raitberger, Reuters, April 26, 1996.

The U.S. State Department issued a statement on May 21 expressing concern about the violence in Eastern Zaire, calling on the Zairian authorities to protect all residents and to provide sanctuary to the displaced.⁹⁴ U.S. officials have visited the Tutsi refugees on the Rwandan border, including John Shattuck, Assistant Secretary of State for Democracy, Human Rights and Labor, and Ambassador Richard Bogosian, Special Coordinator for Rwanda and Burundi.

However, the U.S. government's attempts to engage Mobutu on regional issues has led to a reluctance to criticize his record too strongly. In a July 1 response to a letter by Senators Nancy Kassebaum and Russell Feingold, the chair and ranking member of the Senate Africa Subcommittee, the State Department went out of its way to refrain from criticizing the Zairian government, and even to praise its actions:

While we would not dismiss your suggestion that the Zairian government and military are exploiting these tensions for their own purposes and may be forcibly evicting the Banyarwanda, we note that the Government of Zaire (GOZ) has engaged in several measures to attempt to reduce tensions. Government officials have met with traditional chiefs and religious leaders in Kinshasa to pursue possible solutions. As we noted in our statement, some of these local officials have set courageous examples in opposing the violence. The GOZ dispatched a military mission to attempt to disarm armed groups. Unfortunately, even when Zairian security forces attempt to intervene in positive ways, they are not always operationally capable of successfully completing their mission.⁹⁵

The conflict in North Kivu is increasing tensions between the governments of Rwanda and Zaire. At the United Nations, Rwanda's permanent representative, Ambassador Manzi Bakuramutsa, sent a letter to the President of the Security Council dated May 24, 1996, in which he condemned the United Nations for not holding Zaire responsible for the attacks against Tutsis.⁹⁶ The Chargé d'Affaires of the Permanent Mission of Zaire responded on June 3 with another letter to the Security Council, which "vehemently rejects" the Rwandan ambassador's action and denies that Kinyarwanda-speaking Zairians live in Zaire: "The Government of Zaire would like to inform the Security Council that, of the languages spoken in Zaire, Kinyarwanda is not one of them. It is a language of Rwandans transplanted by colonization in 1929 and 1957-59, who have never been integrated into the local population."⁹⁷

The Rwandan government contends that the refugees are Zairian citizens fleeing violence. It therefore established the Petit Barrière refugee camp in Gisenyi, located about a kilometer away from the Zairian border. Despite appeals by the UNHCR that the camp be moved a reasonable distance away from the border due to security risks, the government has refused. According to UNHCR, a reasonable distance is usually interpreted as not less than fifty kilometers.⁹⁸

A U.N. team, led by the Department of Humanitarian Affairs, visited eastern Zaire in late May and early June to investigate the violence and the humanitarian needs in the Masisi region. The team did not visit Masisi for security

⁹⁴Statement by Nicholas Burns, spokesman, "U.S. Concerned by Ethnic Violence in Eastern Zaire," U.S. Department of State, May 21, 1996.

⁹⁵Letter from Barbara Larkin, Acting Assistant Secretary for Legislative Affairs, to Senator Nancy Kassebaum, July 1, 1996.

⁹⁶Evelyn Leopold, "Rwandan envoy seeking UN action in east Zaire," *Reuters*, May 24, 1996.

⁹⁷Letter dated 3 June 1996 from the Charge d'Affaires A.I. of the Permanent Mission of Zaire to the United Nations Addressed to the President of the Security Council, S/1996/413.

⁹⁸Letter addressed to Janet Fleischman, Human Rights Watch/Africa, from Jiddo van Drunen, Head of Operations, Special Unit for Rwanda and Burundi, UNHCR, July 11, 1996.

reasons, but stayed in Goma and talked to aid workers.⁹⁹ The team recommended the appointment of a special envoy to establish dialogue with the Zairian authorities to address issues such as the nationality question for the Banyarwanda and improving security in North Kivu. To stabilize the situation, they suggested removing the military camps near Goma, known to be the site of ex-FAR activities, and relocating the Petite Barrière refugee camp in Rwanda.¹⁰⁰ At this writing, no action has been taken on these recommendations.

ACKNOWLEDGMENTS

This report was written by Timothy Longman, consultant to Human Rights Watch/Africa and FIDH, and edited by Janet Fleischman, Washington Director of Human Rights Watch/Africa.

Human Rights Watch/Africa

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. The staff includes Kenneth Roth, executive director; Cynthia Brown, program director; Holly J. Burkhalter, advocacy director; Barbara Guglielmo, finance and administration director; Robert Kimzey, publications director; Jeri Laber, special advisor; Lotte Leicht, Brussels office director; Juan Méndez, general counsel; Susan Osnos, communications director; Jemera Rone, counsel; and Joanna Weschler, United Nations representative. Robert L. Bernstein is the chair of the board and Adrian W. DeWind is vice chair. Its Africa division was established in 1988 to monitor and promote the observance of internationally recognized human rights in sub-Saharan Africa. Peter Takirambudde is the executive director; Janet Fleischman is the Washington director; Suliman Ali Baldo is the senior researcher; Alex Vines is the research associate; Bronwen Manby and Binaifer Nowrojee are counsels; Kimberly Mazyck and Lenee Simon are associates; Alison DesForges and Timothy Longman are consultants. William Carmichael is the chair of the advisory committee and Alice Brown is the vice chair.

Gopher Address://gopher.humanrights.org:5000

Listserv address: To subscribe to the list, send an e-mail message to majordomo@igc.apc.org with "subscribe hrw-news" in the body of the message (leave the subject line blank).

Fédération Internationale des Ligues des Droits de l'Homme (FIDH)

The International Federation of Human Rights is an international nongovernmental organization for the defense of the human rights enshrined in the Universal Declaration of Human Rights of 1948. Created in 1922, it includes 89 national affiliates throughout the world. To date, FIDH has undertaken more than a thousand missions for investigation, observation of trials, mediation or training in some one hundred countries. FIDH enjoys consultative status with the United Nations, UNESCO, the European Council and observer status with the African Commission of Human and Peoples' Rights. Antoine Bernard is the executive director. Patrick Baudouin is president; Pascuale Bandiera, Hélène Cidade-Moura, René Degni-Segui, Enoch Djondang, Michael Ellman, Oswaldo Enriquez, Carmen Ferrer Peña, Cecilia Jimenez, Haytham Manna, Gerald McKenzie, Sabine Missistrano, Francisco Soberon, Robert Verdier, Vo Van Ai and Saadeddine Zmerli are vice-presidents; Odile Sidem Poulain, Claude Katz and William Bourdon are secretary generals; and Philippe Vallet is treasurer of the international board. Catherine Choquet is deputy secretary general and Eric Gillet is coordinator for Burundi and Rwanda.

⁹⁹"U.N. team flies to Burundi after eastern Zaire," *Reuters*, June 6, 1996.

¹⁰⁰"Background Paper on Eastern Zaire," DHA-InterAction Meeting, June 28, 1996.


**Economic and Social
Council**

 Distr.
GENERAL

 E/CN.4/1997/6/Add.1
16 September 1996

 ENGLISH
Original: SPANISH

 COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Item 10 of the provisional agenda

 QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Report on the situation of human rights in Zaire, prepared by
the Special Rapporteur, Mr. Robert Garretó, in accordance with
Commission resolution 1996/77

Addendum

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION.....	1 - 13	3
A. Mandate of the Special Rapporteur and ethnic conflicts in Northern Kivu.....	1 - 6	3
B. Purpose of the visit.....	7	3
C. Lack of cooperation from the Government of Zaire..	8 - 9	4
D. The visit.....	10 - 13	4
II. ORIGINS OF THE VIOLENCE IN NORTHERN KIVU.....	14 - 61	5
A. Historical background.....	14 - 21	5
B. Conflicts before the arrival of the Rwandan refugees.....	22 - 33	6
C. Current state of the conflict.....	34 - 61	8

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
III. RESPONSIBILITY OF THE ZAIRIAN STATE	62 - 93	14
A. Violation of the obligation to respect the rights recognized in the International Covenant on Civil and Political Rights	64 - 81	15
B. Violation of the obligation to guarantee the rights recognized in the International Covenant on Civil and Political Rights	82 - 89	17
C. Violation of the obligation not to discriminate ...	90 - 93	18
IV. MAIN RIGHTS VIOLATED	94 - 109	18
A. Right to life	95	18
B. Right to physical and mental integrity	96 - 97	19
C. Right to nationality	98 - 102	19
D. Right to live in one's own country	103 - 105	20
E. Right to choose one's own place of residence	106 - 107	20
F. Right to security	108 - 109	20
V. REFERENCE TO THE SITUATION IN SOUTHERN KIVU	110 - 116	21
VI. CONCLUSIONS AND RECOMMENDATIONS	117 - 138	22
A. Conclusions	117 - 125	22
B. Recommendations	126 - 138	23

I. INTRODUCTION

A. Mandate of the Special Rapporteur and ethnic conflicts in Northern Kivu¹

1. One of the features of most concern to the Commission on Human Rights in the human rights situation in Zaire has been the ethnic conflicts in the Northern Kivu region.

2. In resolution 1994/87, adopted at its fiftieth session, the Commission professed itself "concerned about the persistent seriousness of the situation of human rights in Zaire" and "seriously concerned" at reports of "forced displacements of more than 750,000 persons belonging to ethnic minorities, especially in the provinces of Shaba and Northern Kivu, as well as the heavy loss of human life and other numerous violations of human rights accompanying such displacements". It went on to reiterate its "loathing of all forms of racial or ethnic discrimination"; and to condemn the practice of forced population displacements, particularly in Northern Kivu and Shaba, "for which the authorities [bore] primary responsibility", and "all discriminatory measures affecting persons belonging to minority groups". The Commission invited its Chairman to appoint a special rapporteur to report on developments in the human rights situation in Zaire at its fifty-third session.

3. The Special Rapporteur submitted the report requested (E/CN.4/1995/67), in which paragraphs 85 to 95 were dedicated to "ethnic conflicts in Northern Kivu".

4. At its fifty-first session the Commission passed resolution 1995/69 by which, besides renewing the Special Rapporteur's mandate for one year, it again professed itself "also seriously concerned at the worsening of ethnic confrontations in Kivu, following the arrival of new Rwandese refugees", and reiterated its condemnation and loathing of all forms of racial or ethnic discrimination.

5. The Special Rapporteur's second report (E/CN.4/1996/66 and Corr.1) again took up the "continuation of ethnic conflicts in Northern Kivu" (paras. 23 to 32, 122, 123 and 130).

6. At its fifty-second session the Commission, by resolution 1996/77, again renewed the Special Rapporteur's mandate and once again voiced serious concern at the worsening ethnic conflict in Kivu and its loathing of all forms of racial or ethnic discrimination.

B. Purpose of the visit

7. A number of reports of worsening conflict prompted the High Commissioner for Human Rights to ask the Special Rapporteur to conduct an investigation on the spot. The reports indicated that acts of violence in Rutshuru, Masisi, Walikale and elsewhere were driving large numbers of Zairian refugees into Rwanda. The principal object of the mission was to visit the area of conflict and the refugee camps in Rwanda in order to arrive at recommendations on how to deal with the violence in the region.

C. Lack of cooperation from the Government of Zaire

8. On 24 June 1996 the Special Rapporteur asked the Government of Zaire, through the Permanent Mission of Zaire to the United Nations Office at Geneva, for cooperation in arranging for him to visit the country. He said he would travel between 8 and 12 July and was interested in meeting the Zairian authorities to tell them what he had found on the spot or - if the Government preferred - to discuss matters with them before going to the conflict region.

9. The Government of Zaire did not give a timely reply to the Special Rapporteur's request. Only on Sunday, 14 July 1996, when the visit had taken place, did the Ministry of Foreign Affairs contact the Special Rapporteur to tell him that it would be unable to receive him on the dates proposed owing to preparations for forthcoming elections and the fact that two large United Nations missions would be there at the same time, thus making it difficult to comply with his suggestion. The Special Rapporteur was thus prevented from learning the Government's position on the incidents he was investigating, and this he regrets sincerely. He hopes that the reply received does not reflect the Government's lack of interest in cooperating with part of the machinery of the Commission on Human Rights, which he mentioned in his report (E/CN.4/1996/66, paras. 8 and 119).

D. The visit

10. The Special Rapporteur's visit, which was limited to Rwanda, took place between 6 and 14 July 1996. The Rapporteur had at his disposal a detailed preliminary study by the Rwandan office of the High Commissioner for Human Rights on the problems produced by the influx of refugees, whose well-founded fears of persecution in their home country derived from acts of violence inspired by policies of discrimination and ethnic cleansing. He also had before him a large number of reports on violence in Northern Kivu from intergovernmental organizations and from national and international non-governmental organizations.

11. The Special Rapporteur had meetings in Kigali with the office of the High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, and representatives of the European Union and the International Committee of the Red Cross.

12. In Gingensi, across the frontier from Goma, the capital of Northern Kivu, he met staff from the regional offices of the High Commissioner for Human Rights and the United Nations High Commissioner for Refugees. He visited the Zairian refugee camp of Petite Barrière or Umubano, and the transit camp in Nkamira. He also visited the ETAG prison where he met exiled Zairian prisoners.

13. Officials from many Zairian and international non-governmental organizations with offices in Zaire travelled to Gisenyi to meet the Special Rapporteur, and they provided him with important information.

II. ORIGINS OF THE VIOLENCE IN NORTHERN KIVU

A. Historical background

14. The Northern Kivu region, about as big as Rwanda and Burundi combined, is according to some sources inhabited by around 3 million people, about half of whom are Banyarwanda² people who speak Kinyarwanda and belong to the Hutu, Tutsi or Twa ethnic groups. In some districts, such as Masisi and Bwito, the Banyarwanda are in the majority, making up as much as 80 per cent of the population before the influx of Rwandese refugees in 1994.

15. As the Special Rapporteur's first report said (E/CN.4/1995/67, para. 86), tribal problems in this part of Zaire stem from the borders of the country established by the Act of Berlin of 1885 and the Brussels Convention of 11 August 1910, which left many people from the neighbouring State of Rwanda annexed to the Belgian Congo.

16. In any case, it seems that the ethnic groups to which these people belong have long been found in what is now Zaire.

17. Some sources say that the area of the current conflict (Rutshuru, Goma, Karisimbi, etc.) were added to the Kingdom of Rwanda between 1510 and 1543. Others add that the King of Rwanda (Mwami) lived in what is now Rutshuru. Certainly the Mwami wielded authority over all the ethnic groups today considered Rwandese-speaking: the Hutus (the majority), the Tutsis and the Twa, which have long inhabited the rich lands of Rutshuru and Masisi.

18. Despite this, and although their citizenship has not so far been called into question, these peoples continue to be regarded as "non-locals", for the Zairian authorities consider only the Bakonjo, Banbuba, Bahunde, Bapere, Bakomo, Babira, Banyanga, Banande, Balendu and Batembo to be local in Northern Kivu.

19. A second group of Banyarwanda in Zaire, known as the "immigrants", are those who fled Rwanda to escape the famine that followed the First World War and those resettled by Belgian colonists during this century, particularly in 1911, 1930, 1939, 1948 and 1954, to satisfy the need for labourers: native Rwandans were settled in Northern Kivu (particularly Masisi) and Southern Kivu, and even in Katanga (modern Shaba). In Masisi they became the majority and numbered between 450,000 and 600,000. The Banyarwanda Immigration Mission, which was founded in 1948 by the Belgian authorities and operated until 1955, gave the displaced Rwandans land to work, and this was not welcomed by the "indigenous" locals. These are the group most directly

affected by the nationality problem.

20. A third group of Banyarwanda are refugees of Rwandan nationality who fled to Zaire to escape revolution, violence and ethnic conflict in 1959 (the overthrow of King Kigeri V), 1960, 1961, 1963, 1967, 1972 and the attack by the Rwandan Patriotic Front in 1990. Practically all the members of this group have returned to Rwanda and rejoined their original families or are in the course of doing so. Nationality for them is not the problem that it is for the other two groups.³

21. A fourth group are the Rwandese refugees, mainly Hutus, who fled Rwanda and the victorious Rwandan Patriotic Front in 1994; they are mostly to be found in refugee camps in Northern and Southern Kivu; the Special Rapporteur has discussed their situation in his reports (E/CN.4/1995/67, paras. 96 to 103; E/CN.4/1996/66, paras. 43 to 54).

B. Conflicts before the arrival of the Rwandan refugees

22. Before events in Rwanda in 1994, these ethnic groups had, generally, lived peacefully together with much intermarriage. Schools were communal and solidarity was the rule. True, there are records of numerous instances of inter-ethnic violence between the "indigenous", "original" or "real" inhabitants, on the one hand, and the Banyarwanda on the other, and between Tutsis and Hutus. Examples of this were the Kinyarwanda revolution in Bwito in 1964; fights pitting Bahunde and Banande against Batutsi, leaving dozens of dead; the Banyarwandas' boycott of the local assemblies in 1982 and 1987; and ethnic violence in Northern and Southern Kivu following the outbreak of war in Rwanda in 1990, which led to illegal arrests, cattle-stealing and houses being burnt down. But these were mostly isolated incidents and rather out of the ordinary.

23. The greater problems stemmed from politics and nationality, as the Special Rapporteur's first two reports indicated (E/CN.4/1995/67, para. 87, and E/CN.4/1996/66, para. 24).

24. As regards the politics, the Banyarwanda form the majority in both Masisi and Rutshuru and, in the case of the Tutsi minority, are economically stronger and growing more so with the acquisition of land that formerly belonged to "indigenous" inhabitants; this in turn has given them greater educational opportunities. Nevertheless, political power continued to be reserved for the original inhabitants, particularly the Hunde, both locally (district assemblies, etc.) and nationally.

25. The Special Rapporteur's first report relates a series of events pitting Hundes and Nyangas against Hutus in Masisi, Bwito, Lubero and Walikale after March 1993, leaving some 3,000 people dead and 150,000 homeless, and mentions the attack on Ntoto market in particular (E/CN.4/1995/67, para. 90). It should be added that this latter incident occurred after the then Governor of Northern Kivu had said that the true indigenous inhabitants should be helped by the security forces to "exterminate" the Hutus.

1. The problem of nationality

26. The immense nationality problem was covered by the Special Rapporteur in his first two reports. Paragraphs 88 and 89 of the first report (E/CN.4/1995/67) read: "From a legal standpoint, legislation on nationality is one of the main causes of the ethnic conflict. Decree Law No. 71-020 of 26 March 1971 granted nationality on a collective basis to the Banyarwanda who thereby acquired certain rights, such as the right to vote and to stand for election. However, Law No. 81-002 of 29 June 1981 amended previous legislation, granting Zairian nationality solely to those who could prove that their ancestors had lived in Zaire since 1885. The application of this Law, because of its retroactive nature, would revoke the rights acquired by the Banyarwanda. Under the new Law, moreover, each individual would have to submit a formal application for naturalization. Owing to the reaction caused by this Law, the National Sovereign Conference ruled that it would be applied after having been amended in favour of the population and that, in nationality matters, the Transitional Government should respect acquired rights in order to prevent statelessness. It would appear that recent ethnic confrontations were due in part to the fact that the Hunde and Nyanga disagreed with this decision." It should be added that the 1971 Law had only confirmed previous rulings such as the resolution of the 1960 Round Table, before independence, and the 1964 Luluaburg Constitution.

27. At the National Sovereign Conference in 1991 and 1992, Banyanga and Batembo representatives tried to settle the nationality problem in a restrictive sense.

28. In any event, the 1981 law did not in practice affect the daily lives of the Banyarwanda in the second group because their Zairian identity cards were not taken away.

29. For the rest, denying Zairian nationality to Banyarwanda is not only a violation of human rights and general principles of law (E/CN.4/1996/66, paras. 84 and 95) but does a violence to Zaire's own recent history. The Special Rapporteur has drawn up a preliminary list of political, church and

university leaders who are Banyarwanda either because their forebears lived in Zaire before 1885 or because they came to the area during the present century: they include both Hutus and Tutsis. ⁴

2. Rivalry between Hutus and Tutsis in Zaire

30. Besides the problem of power and nationality which sets the Banyarwanda against the "original" ethnic groups, there is a dispute within the Banyarwanda between Tutsis and Hutus, which has been exacerbated by the inter-ethnic conflict in Rwanda and Burundi. Concerned at their lack of power, the Banyarwanda have decided to venture into politics. Although for the most part they are Hutus, the person who has attained the highest office is Barthelemy Bizengimana, a Tutsi who rose to be the director of Marshal Mobutu's cabinet. Tutsis are more strongly represented than Hutus in the former Parliament, the National Sovereign Conference and the current Supreme Council of the Republic-Transitional Parliament.

31. Finding themselves outweighed politically and economically by their Tutsi brethren, the Hutus formed a variety of groups, most notably the Virunga Farmers and Herders Association (Mutuelle des Agriculteurs et Eleveurs du Virunga (MAGRIVI)) founded in 1989 by, among others, Sekimonyo wa Magango, the current Minister for Higher Education and Scientific Research, which was given strong backing by President Habyarimana's regime in Rwanda. The Special Rapporteur has been told that, starting in 1992, the Association sold farm produce to invest in weapons and took part in the 1994 genocide.

32. The impending establishment of a democratic regime in Zaire and the need to secure positions of power within it aggravated the conflict.

33. The tensions and violence were unleashed before the massive influx of refugees, as can be seen from Commission on Human Rights resolution 1994/87 of 9 March 1994, antedating the plane crash which cost the Presidents of Rwanda and Burundi their lives. It is maintained that the support that Zairian Tutsis and Tutsi refugees in Zaire gave to the Rwandan Patriotic Front during the 1990 civil war in Rwanda helped to radicalize MAGRIVI. The Tutsi community in Zaire welcomed Marshal Mobutu's assistance to President Habyarimana, in coping with attacks from the Hutus in Zaire.

C. Current state of the conflict

1. The Hutu-Tutsi conflict in northern Kivu

34. The arrival of 1.2 million Rwandan refugees since July 1994 has fuelled

the violence already taking place. The refugees include many who were involved in the Rwandan genocide. Many arrived with weapons and large amounts of property stolen from the Government, including buses donated by foreign Powers; the buses circulate freely in Zaire, as the Special Rapporteur observed during his two visits to the country (1994 and 1995).

35. The Special Rapporteur was told that MAGRIVI, whatever its original welfare or cultural objectives, has changed or been consolidated into a militia bent on winning power for the Hutus and has worked closely with the Interahamwe (those who attack together). In the long run its objective is to establish a Hutuland, a racially pure area dominated by Hutus.

36. Before the refugees arrived MAGRIVI was in dispute with the Hunde and the Tutsi tended to remain neutral, but since 1994 the Association has taken on quite a different character.

37. All the evidence gathered by the United Nations Human Rights Field Operation in Rwanda in preparation for the Special Rapporteur's arrival, and information given to the Special Rapporteur by Zairian refugees in Rwanda known as Abanyejomba, after the district they come from, shows that since mid-1994, relations among the Banyarwanda have deteriorated as the Rwandan conflict has shifted to Zaire.

38. The Hutu militia known as the Interahamwe have been the main instigators of violence.

39. In his first report the Special Rapporteur remarked how dangerous the Interahamwe were, pointing out that they were difficult to identify and easily confused with the civilian population, that they were responsible for most of the massacres in Rwanda, that they were to be found in all refugee camps in Zaire, "especially in Mugunga, where it is believed that 80 per cent of the young people belonged to them", that they possessed firearms, communications equipment and vehicles, and that they opposed the voluntary repatriation of the refugees, whom they tyrannized and threatened (E/CN.4/1995/67, para. 96).

40. Since this militia formed, it has made constant incursions throughout virtually all of Northern Kivu; it has absolute liberty to mobilize anywhere, even in refugee camps, from where it has mounted sorties to infiltrate into Goma and thence into conflict areas such as Rutshuru, Masisi and the neighbouring districts, attacking Tutsis and telling them they should go back to Rwanda where they are in power or to Ethiopia where, it is claimed, they came from. The Interahamwe have weapons and military training unsuspected by the Zairian Hutus, and have established a training camp in Katoyi, near Goma.

They use not only large calibre firearms but also nail-studded clubs; the Special Rapporteur was able to see and photograph the brutal wounds left on a female refugee in the Petite Barrière camp. They have intelligence reports, since they frequently search out victims from pre-established lists. Their aim appears to be ethnic cleansing - ridding districts of Tutsis - and they therefore kill Tutsis, burn their houses, steal their cattle, drive them out or force them to seek refuge in Rwanda and other countries. A variety of sources interviewed by the United Nations Human Rights Field Operation in Rwanda and by the Special Rapporteur maintain that some Interahamwe elements have practised cannibalism. The Special Rapporteur met one witness who had personally been present during acts of cannibalism.

41. Accounts persistently link MAGRIVI with the Interahamwe. Weapons brought to Zaire by deserters from the Rwandan Armed Forces are said to be distributed by the Interahamwe to the MAGRIVI. According to sources, Hutu moderates have often been forced to take part in militia violence. This indicates a failure to comply with the Cairo Declaration of 28 November 1995, which called for the "bullies" to be removed from the camps (E/CN.4/1996/66, para. 30); confirmation would seem to come from the information that only 41 have been brought to Kinshasa. ⁵

42. Besides the traditional enmity between these ethnic groups in Rwanda, a new ingredient has now been added: Hutu extremists are said to fear that Tutsis would back the Government in Kigali if they attacked their country.

43. It must be pointed out that the victims are not just Tutsi refugees who have arrived in the past three decades, nor just Zairians of Tutsi origin whose nationality is in doubt (who arrived between 1885 and 1959). There are also some whose forebears have lived in Zaire since time immemorial, a subject we shall return to later.

44. It is also important to point out that the presence of refugees in Zaire has had other adverse effects: on the economy, security and the environment, with an increase in violence and militarism, as described by the Special Rapporteur in his first two reports (E/CN.4/1995/67, paras. 97 to 103 and E/CN.4/1996/66, paras. 45 to 47).

2. Conflict between the Tutsis and the "indigenous ethnic groups"

45. There have also been numerous incidents between Tutsis and members of the Hunde, Nande and Nyanga ethnic groups. Originally, as has been seen, the Hutu MAGRIVI militia took on indigenous ethnic groups in political power. The Ntoto market incident in March 1993 and its aftermath were Hutu-Hunde

disputes.

46. The arrival of the Rwandan refugees led to violence throughout the region, which the indigenous ethnic groups attributed to the Banyarwanda in general.

47. Young Bahunde set up a guerrilla group known as "May May" ("water" in Swahili), harking back ideologically to the nationalist and marxist groups of the 1970s and with a heavy reliance on magic. Bahunde youths had enrolled in guerrilla groups set up by Pierre Mulele (who succeeded Patrice Emery Lumumba) in the early 1970s and were joined by deserters from the Congolese Armed Forces led by Sergeant Mobuto Sese Seko. Defeated, they regrouped in the forest, preparing for revolution. As regards the magic element, they peddle religious and tribal artifacts said to make them invincible. They have rudimentary military training. The Special Rapporteur met a member of the May May guerrilla, a Hunde, who had joined after the attack on Mokoto Monastery in which his father, mother and seven brothers died of machetè blows at the hands of the Interahamwe, and had eventually fled and taken refuge in Rwanda. He said that on enrolling recruits were tattooed (as the Special Rapporteur could see) "for protection", and that magic was present at every stage of the fighting: they drank herbs which protected them from death, they could not wash with soap, they went to war naked or dressed in grass; they yelled "May" when they attacked so that enemy bullets striking them would turn to water; they were not allowed carnal relations with women; in combat they could not retreat or even look sideways, and so forth. It should be noted that one of the rules says "in war you should never attack a civilian, only protect him".

These points are confirmed by all the reports the Special Rapporteur had before him.

48. The principal enemy were the Bahutu, who had been attacking the Hunde for years. They were so fierce that even the Zairian Armed Forces (FAZ) tended to be afraid of them and flee rather than fight.

49. The May May often have other names linked to the regions they come from, such as the Ngilima May May (the best known) or the Bangirima May May.

50. There have also been serious confrontations between the May May and Tutsis since the latter, too, are Banyarwanda. The older Bahunde apparently still resent the Banyarwanda, while the younger ones, in the Ngilima militias, have often defended harried Tutsis against Hutu violence. This was confirmed to the Special Rapporteur by a member of the militia now hiding in Umubano, in Rwanda.

51. Some refugees in the Petite Barrière camp said they had been harassed in Walikale by the May May, who, one added, "were in cahoots with the Interahamwe". Most, however, had no complaints about the conduct of the May May, and indeed there are some Nglimima May May among the refugees. At least 25 refugees in the camp are not Tutsis but Hunde who also fled from Interahamwe-MAGRIVI harassment in Zaire.

52. The refugees stress that May May violence against Tutsis is not intended to eradicate them physically but to seize their land, cattle and other property in order to make money and acquire weapons so they can defend themselves from attacks by extremist Hutu militias and the Zairian Armed Forces. Other accounts say the intention is to drive the Tutsis out temporarily but that they should swiftly return when peace has been attained.

3. Conflicts between indigenous peoples
and the Zairian Armed Forces (FAZ)

53. That the Zairian Armed Forces (FAZ) have been present during or have tolerated attacks by the Interahamwe on Tutsis and the Zairian population in general has turned the May May against them.

54. There have also been reports of conflicts between ethnic groups accepted as indigenous who have traditionally opposed the Mobutu regime and the Zairian Armed Forces. Such cases have been especially frequent where the ethnic groups have been defending besieged Zairian Tutsis.

55. The Zairian Government has made some effort to prevent incidents - operations Kimia ("calm" in Swahili) and Mbata ("slap in the face"), but to the Special Rapporteur's knowledge the Zairian authorities have never come out firmly against the establishment of a Hutuland.

56. Operation Kimia, carried out by some 800 FAZ members and the Service d'action et des renseignements militaires (SARM), began in March 1996 and initially restored calm in the Masisi district which the Tutsis had virtually abandoned, driven elsewhere by the Interahamwe and MAGRIVI. Although it might have been intended to disarm all the militias, in fact it was aimed chiefly at the May May.

57. But poor preparation and equipment and the failure to pay the FAZ troops involved in the operation eventually drove the troops to robbery, pillage and arson, particularly in the districts of Kanyabayonga, Walikale, Sake, Vitshumbi, Beni and Lubero. The terror inspired by the Ngilima May May drove some soldiers to flee, and many others died. FAZ High Command had to admit that operation Kimia had been a failure.

58. It therefore mounted operation Mbata, conducted principally by SARM and the Division spéciale présidentielle (DSP) (E/CN.4/1995/67, paras. 67 and 69), directly against the Ngilima May May. Refugees questioned at the Petite Barrière camp by the United Nations Human Rights Field Operation in Rwanda and by the Special Rapporteur emphasized that in the Interahamwe attack at Kitshanga on 8 April 1996 the DSP played a positive role, protecting the victims.

59. Overall, however, this was another failure: on 11 May 1996, 30 people were killed in Vitshumbi, while on 4 June around 20 people died in Kanyabayonga, according to officials from numerous national and international NGOs based in Goma (Zaire) who met the Special Rapporteur in Gisenyi. One

witness interviewed by the Special Rapporteur, a Hunde woman whose husband and three of her sons had been killed and her house set on fire by Interahamwe from Mugunga refugee camp in September 1995, did not share the favourable view of the events in Kitshanga, stating that the "Zairian Armed Forces protected us but then were corrupted by the Interahamwe and became our enemies, and this was possible because they had neither the means, nor a radio, nor the courage to take them on".

4. Violent incidents in 1996

60. The Special Rapporteur was informed, by Zairian refugees, humanitarian organizations and various reports, of violent incidents that left many people wounded, causing violations of people's safety, property and other rights and population displacements in 1996. He regrets the list may contain errors, in part owing to the lack of cooperation from the Zairian Government which did not authorize him to visit the country and thus prevented him from hearing its explanation; in part also because many accounts obviously refer to the same incidents but differ in substance and detail. It has thus been necessary to exercise special caution in selecting the reports and accounts to follow up.

61. Besides those cited above, these incidents include:

(a) 25 January 1996: May May militias attack the centre of Bibwe, killing at least 10 Banyarwanda. During the night Interahamwe militias react, killing many Hunde. Apparently the Interahamwe suspected some Hutus of being traitors, because some of their own ethnic group were killed;

(b) February 1996: Hutu militias attack Sake, where the Hunde are in the majority. Many of the indigenous population are forced to take refuge in Goma;

(c) 4 March 1996: Hutu militias set fire to Tutsi houses in Bokombo, killing at least 10 people;

(d) March 1996: The Interahamwe attack a group of displaced Tutsis and Hunde who have taken refuge in the parish of Mweso. People coming to the assistance of the displaced persons are fired on;

(e) 14 March 1996: A May May attack on Katikwu (Walikale) followed by another in Mirigi. No indication of the number of victims, but many people forced to flee;

(f) 9 to 23 March 1996: Hutu fighters in Bwito, claiming that six of their comrades have disappeared, threaten Tutsis and Nande and then attack Bishusha before proceeding to Mashango where the local chief is captured, dismembered and parts of his body eaten. Eight people, all Tutsis, reported killed. The parish priest in Birambizo lends support;

(g) 27 and 28 March 1996: The Bangirima May May attack a village in Lubero, stealing Tutsi cattle;

67. The Chief of Staff of the Zairian Armed Forces, General Eluki, said in November 1995 that the Nianga, Tembo and Nande were right to expel the Banyarwanda.

68. The present Governor of Northern Kivu, Christophe Motomupenda, maintained in May 1995 that "we should attack and attack the immigrants now", and then, on 12 April 1996, told a group of 973 Zairian Tutsis who had been driven into Goma, that "... if you do not wish to go we cannot guarantee your lives", adding that they had "the choice between expulsion or death". On 24 April 1996, he went on to say that there were "... no Zairian Tutsis among the returnees ...", and that all should leave. He disparaged the Catholic bishop for interfering in Government affairs - meaning Mgr. Ngabu's letter.

69. Moreover, the Minister of Social Affairs, Desiré Lumbulumbu, and the Minister of Higher Education and Scientific Research, Sekimonyo wa Magango, the latter a Hutu and one of the founders of MAGRIVI, went to Northern Kivu with a group of members of Parliament in late March; instead of calling for peace, they were unanimously understood to be advocating ethnic cleansing.

70. Reference must likewise be made to a letter from the Ambassador of Zaire to the United Nations claiming that Kinyarwanda is not a Zairian language but that of Rwandans transplanted by colonization since 1929, who have never integrated into the local population.

71. These attitudes contradict the Cairo Declaration of 29 November 1995 in which the Heads of State, including Marshal Mobutu, and the delegations present called on the international community to condemn vigorously the ethnic and political genocide ideology used in competition for conquest and monopoly of power.

72. The Special Rapporteur has also been told that the Minister of the Interior and Vice Premier, Kamanda wa Kamanda, together with Governor Motomupenda, visited Kanyabayonga on 31 March; the following day the violence and expulsions of Tutsis from the district increased. The Special Rapporteur records this incident because many different sources mentioned it, although he does not have the text of what the Minister is supposed to have said. The Special Rapporteur's personal knowledge of the Minister suggests that this is more likely to be a coincidence than case of incitement.

73. Unfortunately, incitement to racial and national hatred is not only to be found among government authorities; the same kind of incitement has been endorsed by the Supreme Council of the Republic - Transitional Parliament (HCR-PT) on 28 April 1995, as the Special Rapporteur mentioned in his second

report (E/CN.4/1996/66, paras. 27 and 28).

74. The political class generally and some sectors of civil society display a dangerous anti-Banyarwanda attitude, as the Special Rapporteur recorded in paragraphs 26, 29, 33, 35 and 123 of his second report (E/CN.4/1996/66).

2. Direct involvement by the military and security forces

75. All the evidence and reports from intergovernmental and non-governmental organizations explicitly mention the involvement of the military and security forces in the attacks, pillaging and burning, as the Special Rapporteur mentioned in his first two reports.⁷ What is new is their involvement in expelling Zairians from the country.

76. The Zairian Armed Forces have clearly sided with the Interahamwe and Hutu militias in the fighting, and the efforts of the central Government to impose order through operations Kimia and Mbata ended in complete failure as described in paragraphs 55 to 59 above. There are even some reports that Interahamwe militias pay soldiers to take part, or at least to protect them during attacks. This was the case in attacks on the villages of Kanii and Loashi.

77. The presence of the Zairian Armed Forces has heightened the insecurity owing to their abuse of the local population and connivance at Hutu violence against Tutsis and Hunde.

78. The Zairian Armed Forces have also been accused of active involvement in internal displacements and expulsions of Zairian Tutsis, in what is known as "Operation Café". Their involvement ranges from direct threats if Tutsis remain in the country to arrests and the transport of Tutsis in military buses from various districts to Goma or straight to the frontier. The buses used in these operations belong to Rwanda but were taken with them to Zaire by refugees. Members of the armed forces demand payment from their victims (roughly the equivalent of US\$ 12 or US\$ 15) for transporting them to the Rwandan border.

79. One particularly serious matter reported by refugees in the Umubano camps is that Zairian soldiers, whether from the armed forces or SNIP, take away the identity cards of those they expel when they leave them at the border: this prevents them from returning to Zaire. Such cases are said to have been frequent between March and June 1996. It is also alleged, but has not been possible to check, that the cards are then given to MAGRIVI or Interahamwe members not of Zairian nationality, thus enabling them to slip illegally into

the local community and acquire land - and even to vote in the forthcoming elections.

80. The only exception was, as mentioned above, the Interahamwe assault on Kitshanga on 8 April, where the Division spéciale présidentielle protected the victims (see above, paras, 58, 59 and 61).

3. Impunity of the culprits

81. A third way in which the rights recognized under the Covenant are not respected is that the Zairian military and security forces are certain to go unpunished. In his second report the Special Rapporteur maintained that impunity is a real incentive to abuse of power, pillage and robbery; ⁸ this argument remains fully valid and is implicit throughout this report.

B. Violation of the obligation to guarantee the rights recognized in the International Covenant on Civil and Political Rights

82. States must not be content simply not to violate human rights. The Covenant makes it incumbent upon them to guarantee the enjoyment of human rights and to protect the individual. ⁹

83. The Special Rapporteur's impression during the visit under discussion was that, apart from inciting and participating in the ethnic violence and ensuring impunity, the basic attitude of the Zairian political and military authorities is to affect ignorance of events taking place in plain sight: "... it all happened as if there were no authority in the country ..." said one refugee in Rwanda.

84. Reports indicate that in response to public appeals for protection, "... the military prefer to remain in barracks". On other occasions indolence is combined with complicity: "... go home to Rwanda ..." soldiers said to Interahamwe victims as they proceeded to loot them.

85. This attitude dates back a long way. It is reported that MAGRIVI has been acting with Government connivance or inability to prevent its illegal activities since 1990 (see para. 33 above).

86. Ending the impunity of the Zairian armed forces and security services, removing the intimidators as agreed at Cairo, professionalising the Zairian armed forces, disbanding the MAGRIVI, sacking public officials who incite others to racial or national hatred, and disarming the refugee camps and the

Interahamwe are all protective measures that could be taken and are desperately needed for putting an end to the conflict. The State's failure to take action is a breach of its duty of care since, in the Special Rapporteur's view, there can be no doubt that the lack of State involvement has been one cause of the violations that have occurred.

87. As in his earlier reports, the Special Rapporteur draws attention to efforts by Prime Minister Kengo to remedy these failings, calling for more members of the Zairian Armed Forces, but the indiscipline in the forces and the lack of equipment have made the conflict worse.

88. President Mobutu, who managed to pacify the country in the 1970s and even in 1993, does not now appear inclined to take the lead in restoring peace.

89. Government indifference is definitely a danger to the political process; the Minister of the Interior, Kamanda wa Kamanda, argued on 8 April 1996 that if the violence did not stop the elections scheduled for 1997 might be cancelled.

C. Violation of the obligation not to discriminate

90. All the incidents related in this report are based on legislation, attitudes and actions rooted in discrimination.

91. The Banyarwanda are discriminated against owing to the origins of their forebears, who are not considered to be originally from Zaire although their nationality was recognized from 1960 to 1981. Thus they are denied the human right to a nationality, deprived of their property, driven from their homes and expelled into foreign countries.

92. But the discrimination is discriminatory in itself, for not all Banyarwanda are treated the same way: for ethnic reasons those belonging to the Tutsi ethnic group are discriminated against by those belonging to the Hutu ethnic group and Zairian Government officials, for it seems that the Zairian Government also has an interest in establishing a Hutuland.

93. Such legislation, attitudes and incidents are in themselves contrary to the obligations undertaken by the State in adhering to the Covenant, since they militate against the equality, dignity and inherent nature of all members of the human race, not being based on natural, legitimate differences between people (age, nationality, education, etc).

IV. MAIN RIGHTS VIOLATED

94. The point of the obligations set forth in article 2, paragraphs 1 and 2, of the International Covenant on Civil and Political Rights is to "give effect to" - i.e. not establish simply as empty, illusory or theoretical - the human rights it covers. That these obligations have been breached is manifest in the fact that the following rights at least are not respected:

A. Right to life

95. The incidents described in this report have caused, according to a variety of sources, between 6,000 and 40,000 deaths over the past two years. It is not easy in Zaire to put a precise number on the assaults and other violations of rights, since the sources differ considerably, but many refugees interviewed in Rwanda, from many different cities and villages, often said that they had seen "hundreds of corpses".

B. Right to physical and mental integrity

96. The Special Rapporteur saw with his own eyes the marks of blows inflicted on a Zairian women refugee in Umubano with a nail-studded club (see para. 40 above) and was told of many violations of people's physical and mental integrity by members of the Zairian military, the Interahamwe and Hutu militias. The Ngilima May May have committed similar attacks, and all have gone unpunished.

97. The Special Rapporteur has also had the opportunity to ascertain that the practice of torturing individuals accused of common crimes, unrelated to the tribal or regional problems covered in this report, has remained current in Zaire. He personally observed the sequelae of torture in the cases of Ndikumvenayo Ntamuturano, Nzambazumunemyi Seburikoko, Nimyekure Habumana, Ditumana Charles, Bizagwina Dagumimana, and N. Nzabulunda, who are also being held at the ETAG detention centre in Rwanda. All are Zairian nationals from the Hutu ethnic group who were detained in Zaire in May in connection with a cattle theft. After being tortured they were expelled into Rwanda, a country with which they have no links at all, where they are now being held prisoner.

C. Right to nationality

98. As has been seen, Banyarwanda who came to Zaire between 1885 and 1960 were recognized as Zairian until 1981, at which time they were deprived of their nationality and left stateless. It should be added that the 1981 law was the result of a political choice by the Central Committee of the Mouvement populaire de la revolution during the Party-State period.

99. But many descendants of people who were living in the Congo before 1885 have also been expelled, being regarded as foreigners.

100. These people are all still stateless not only because of the way things are (neither they nor their forebears have ever lived in Rwanda or held Rwandan nationality) but also because of the Kigali Government's explicit announcement on 2 April 1996 that it did not recognize them as nationals. The announcement confirmed what the Special Rapporteur had said in his second report, namely that recognizing the Banyarwanda as Zairian would be no violation of the Transitional Constitution of 9 April 1994, article 7.2 of which prohibits double nationality, since Banyarwanda from ethnic groups in Rwanda had no nationality (E/CN.4/1996/66, para. 130).

101. The position taken by the Catholic bishops in Kivu, that it is a lie to say that the Banyarwanda are not Zairian, is thus to be applauded.

102. The Special Rapporteur also notes with concern that article 11 of a recent bill on a census needed for election purposes ¹⁰ stipulates that Zairian nationality is to be proved, inter alia, by "the identity card for citizens", which makes the problem of the cards taken away from those expelled worse. If the cards are tampered with by simply changing the photographs and given to Hutu refugees in Zaire, the refugees will have the opportunity to cast fraudulent votes.

D. Right to live in one's own country

103. Refugees began to arrive in Zaire on 27 December 1995 and by 31 December 1995 numbered 1,200. According to the Office of the United Nations High Commissioner for Refugees, by 9 July Zairian refugees who had arrived in Rwanda by their own means or been forcibly expelled (Operation Café) numbered 12,625 in Umubano Camp and 849 in Nkamira Camp. Besides these, there are a number who for various reasons have abandoned the camps.

104. These refugees include Tutsis and Hunde but no Hutus, whereas if, as Banyarwanda, Hutus were of indeterminate nationality, they ought to be affected as well. Thus the political and doubly discriminatory nature of this breach of the right to live in one's own country, as recognized in article 12 of the International Covenant on Civil and Political Rights, can be clearly seen.

105. The only Hutus expelled were those mentioned in paragraph 97 above: in their case it is not only the right to live in their own country that has been violated, but also their right to physical integrity.

E. Right to choose one's own place of residence

106. The violence has resulted in enormous numbers of internally displaced people, for the most part but not exclusively Tutsi, since there are also displaced people from other ethnic groups in the region. In his second report, completed on 31 December, the Special Rapporteur said that according to various sources the displaced people numbered some 100,000. By 29 July 1996, according to his sources, they had reached 250,000 or maybe even 400,000.

107. It is reported that virtually no Tutsis remain in Southern Rutshuru or in Masisi generally.

F. Right to security

108. In his first report the Special Rapporteur sought to "draw particular attention to the right to security as an autonomous human right which is linked not only to individual liberty but to all the rights enjoyed by the human person as a simple corollary of his human status, because he believes that it is one of those rights that is least observed in Zaire" (para. 157).

109. The incidents described in this report only confirm that position, while

besides the rights mentioned, the following have also been affected:

- (a) The right to housing, since thousands of homes have been burned or taken over by the winners in each successive incident;
- (b) The right to property, in thefts of cattle, assets and goods of every kind. Of the 400,000 or so head of cattle in the region before mid-1995, no more than 20,000 remain. Besides, a person who has taken someone else's cow sees no reason not to sell it for the equivalent of roughly \$20, even if its real value is US\$ 250;
- (c) The entire range of economic, social and cultural rights: in current conditions no one can go to school, jobs have been lost, food is precarious and often dependent on donations, etc.;
- (d) Rights of women, women having been most affected by the violence and insecurity.

V. REFERENCE TO THE SITUATION IN SOUTHERN KIVU

110. The Special Rapporteur dedicated a chapter of his second report to the conflict with the Banyamulenge in Southern Kivu, offering a brief historical overview and referring to the most serious acts of discrimination and human rights violations (E/CN.4/1996/66, paras. 33 to 37). The rebuttal by the Council of Ministers on 14 March 1996 challenges only this part of the report.¹¹

111. The Special Rapporteur knew that that chapter of his second report would stir up controversy, for during his second visit to the country he was struck by the degree of hostility throughout Zairian society towards Rwandans and Zairians from ethnic groups considered to be from Rwanda. As he said in his report, "A strong anti-Rwandan feeling has arisen [in Zaire] which has permeated all political sectors. As one disillusioned human rights advocate said, "In order to succeed in politics, you have to be anti-Rwandan" (para. 26). The subject was pursued in the following paragraphs up to paragraph 30, and again in paragraph 123. Lastly, in paragraph 129, the Special Rapporteur recommended that the Government must "stop seeing enemies where there are none. It must abandon its aggressive language towards people of Rwandan and Burundian origin and must stop denigrating one ethnic group in the eyes of others".

112. Unfortunately, this recommendation has not been heeded by the Government, the political classes, or - worse yet - those who claim to be champions of

human rights.

113. Indeed, on top of all the incitements to violence mentioned in paragraphs 65 to 74 above, one has to remember that the Governor of Southern Kivu called for immediate implementation of the HCR-PT resolution dated 28 April, 1995 on the expulsion of all Rwandans.

114. It thus surprises the Special Rapporteur that only one group of refugees from Southern Kivu in Canada, and one Zairian citizen from the region now living in Egypt, rebutted the report.¹² Unfortunately, the rebuttals just confirm his point: both describe the Banyamulengue as a group of "extremists" and exude the same ethnic and national hatred that inspired the HCR-PTU resolution, amounting to incitements to ethnic cleansing incomprehensible in people enjoying refugee status.

115. The reports received by the Special Rapporteur speak of a hardening of attitudes on both sides. For while the authorities are calling for the Banyamulengue to be expelled, the Banyamulengue admit that they are arming. Unfortunately the intention of the visit was not to analyse the situation in Southern Kivu. The information gathered is therefore only superficial and will not sustain more thorough analysis.

116. Nevertheless, the Special Rapporteur is alarmed by the reports he has received, and warns of the possibility that what has recently been taking place in Northern Kivu may recur in like vein in Southern Kivu.

VI. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

117. The conflict with which this report is concerned, like the one developing in Southern Kivu, has been virtually ignored by the international community, reluctant, perhaps, to have its conscience pricked again after the horrors of Rwanda and Burundi.

118. It is a dispute in which a great many people have been suffering violations of a large number of their rights. Those responsible are:

(a) The State of Zaire, which has been directly involved in and has incited people to commit such violations, and has not made sufficient effort either to prevent or to restrain them;

(b) The political class, which has fomented xenophobic nationalist

sentiment;

(c) Some ethnic leaders, who do not conceal the fact that they are arming, albeit to defend themselves; and, regrettably, also

(d) Some human rights organizations, which have chosen to foster racial hatred and ethnic cleansing rather than defending the oppressed.

119. The Special Rapporteur is not overlooking the enormous difficulties that the massive influx of refugees from the war in neighbouring Rwanda poses for the people and Government of Zaire. On the whole, Zaire has reacted as it should, facilitating the work of UNHCR and, with some exceptions, honouring the principle of non-refoulement. In any event it must make it clear once and for all, in word and deed, that there will be no repetition of the cases such as those in 1995 when refugees were expelled to countries where they had well-grounded fears of persecution on account of their racial or national origins.

120. But the most important finding of this report is that the conflict is neither solely regional nor solely national. Julius Nyerere, the former President of the United Republic of Tanzania, has said as much, maintaining that the interethnic conflict has now become international.

121. The conflict in Zaire and the Great Lakes region is in fact nothing more than a prolongation of the events that have taken place in Rwanda and Burundi - the causes and the effects. The existence of the Interahamwe represents a threat to peace in Zaire, Rwanda, Uganda and Burundi. Many accounts from refugees in Rwanda, and more from the staff of specialized agencies and non-governmental organizations, say that the Interahamwe are attacking Rwanda looking for survivors of the genocide (the rescapés) so as to prevent them from testifying in court by exterminating them physically.

122. There was even a report from Uganda on 16 April 1996 that Rwandan opposition militias had entered the country from Zaire and attacked a military post in Kisoro, forcing Uganda to close its borders. Subsequently the Government of Zaire lodged a complaint against Uganda for an attack mounted from Uganda.

123. The Special Rapporteur has received numerous reports of Interahamwe crossing the border from Zaire into Rwanda to murder survivors, leaving many people dead. A member of Parliament for the Mouvance présidentielle, Mr. Vangu Manbweni, went so far as to state, on 2 May 1996, that Parliament would be ready to declare war on Rwanda if the motion were placed before it.

And on 6 May 1996 the Zairian Minister for Foreign Affairs complained about accusations from the Governments of Rwanda and Burundi that their countries felt threatened by incursions mounted from Zaire, according to a statement by the United Nations Under-Secretary-General for Political Affairs.

124. The border between Zaire and Burundi was closed in April 1996 for fear of incursions by Rwandan refugees, and although Prime Minister Kengo visited Bujumbura in May it has not been reopened.

125. These were the reasons why, at their first meeting, the Special Rapporteurs of the Commission on Human Rights on the countries in the Great Lakes region pointed out that there were features in common - particularly population movements, illegal arms sales and incitement to racial hatred (E/CN.4/1996/69, annex, paras. 13 to 15), and why they called on the Commission to take an all-encompassing approach to the region (para.18).

B. Recommendations

1. To the Zairian authorities and people

126. The Special Rapporteur finds himself obliged to repeat some of the broad and specific recommendations on the region he made in his first two reports, besides proposing other action in the light of what he saw during his mission:

(a) Concerning the armed forces and security services:

- (i) Effective, genuine and practical control must be established over the State security apparatus, with the police being placed under the Ministry of the Interior and the Zairian Armed Forces under the Ministry of Defence, both being answerable to the Prime Minister, not the President. The powers of each service must be precisely regulated (E/CN.4/1995/67, para. 257);
- (ii) All corrupt officials must be removed from office;
- (iii) An end must be put to impunity (E/CN.4/1996/66, para. 121);
- (iv) Membership of the Zairian Armed Forces and security services should be multi-ethnic (E/CN.4/1996/69, annex, para. 17(a)).

(b) Tolerance. The authorities and the political class must accept

that Zaire is a country made up of many ethnic groups who have arrived in the region over the centuries, and that they must all share the land, political power, wealth and poverty (E/CN.4/1995/67, para. 259; E/CN.4/1996/66, paras. 123 and 129; E/CN.4/1996/69, annex, para. 17 (e)). This recommendation applies the more urgently to non-governmental organizations, especially those concerned with human rights. If they do not make individuals - whatever ethnic group they come from - and their rights the prime focus of their operations, preferring partisan political activity or, worse yet, fomenting discrimination, they not only do irreparable moral harm but also betray the international non-governmental organizations movement;

(c) Nationality. The problem of nationality, which the conflict in Kivu is currently exacerbating, must be resolved: not only are Hutus, Tutsis and Twa who arrived in the Congo region after 1885 being deprived of their nationality, but people who arrived earlier are, too, as the Special Rapporteur was able to appreciate with the refugees in Rwanda (E/CN.4/1996/66, para. 130). The HCR-PT agreement of 28 April 1995 must be repealed. There are three further problems relating to nationality and citizenship which must also be tackled in accordance with the following criteria:

- (i) The Zairian refugees expelled to Rwanda must be given back their identity cards or issued with new ones;
- (ii) The identity cards taken away from expellees and given to Rwandan Hutus, many of them members of the Interahamwe, must be recovered;
- (iii) Lastly, the bill on the pre-election census now before the HCR-PT must incorporate provisions enabling all Zairians to vote but no one else, even upon presentation of a card that used to belong to an expellee.

(d) Removal of all the "intimidators" from the area: the process already embarked upon must be pursued;

(e) Repatriation of refugees. A programme for repatriating all the Zairian refugees in Rwanda must be set up, covering:

- (i) Restoration of property to its rightful owners;
- (ii) Reparations for damage and injuries;
- (iii) Effective security measures to prevent and punish any hint

of ethnic or national rivalry;

(iv) Safeguards for the exercise of all civil, political, economic, social and cultural rights.

(f) Respect for Rwandan refugees. The problem of the Rwandan refugees in Zaire must be dealt with; this will only be possible with the agreement of

the Governments and peoples of all three countries involved and with strict regard for the principle of non-refoulement and voluntary repatriation (E/CN.4/1995/67, para. 275; E/CN.4/1996/66, para. 131);

(g) Disarmament. The Zairian Government must proceed without delay to disarm the armed groups - first and foremost the Interahamwe, MAGRIVI, the Ngilima, Banguirima and May May, but also any other organization that has armed for the purpose of attack or of defending itself;

(h) Human rights, democracy and the rule of law. The recommendations on this subject in the previous reports remain entirely valid (E/CN.4/1995/67, paras. 260, 264, 266, 267 to 269; E/CN.4/1996/66, paras. 125 to 128; E/CN.4/1996/69, annex, para. 17 (a) and (b));

(i) Extradition of individuals accused of genocide to be tried by the International Criminal Court investigating the crimes committed in Rwanda (E/CN.4/1996/66, para. 132);

(j) Safety of internally displaced persons. Internally displaced persons must be allowed the right to choose where to live, in particular the right to set up their homes in places they have been driven away from by physical or moral coercion. The Government must establish resettlement programmes for this purpose, covering housing, education, health and, above all, security for all, especially women and children;

(k) Cooperation by the Zairian Government with the Commission on Human Rights and in particular the Special Rapporteur. The Special Rapporteur is sorry not to have had a timely response from the Government to his request to visit the country while on mission for the United Nations High Commissioner for Human Rights. This report could then have reflected the official view of the events described, as well. The Special Rapporteur has submitted to the Government a series of human rights violations brought to his attention, but has had no response. He has also suggested that he might visit the country between 14 and 26 October, and hopes that this will be accepted;

(l) Observer mission. In his first report (E/CN.4/1995/67) the Special Rapporteur suggested an office comprising two experts on human rights in Zaire to monitor the human rights situation and keep him informed and to give technical assistance to the Zairian authorities and people (para. 277). In resolution 1995/69, the Commission invited the High Commissioner to study this suggestion. The Special Rapporteur repeated his suggestion in his second report (E/CN.4/1996/66), detailing the communications the High Commissioner has had with Zaire on the subject (paras. 9 to 11 and 134). At the

fifty-second session of the Commission, on 15 April 1996, the Zairian delegation announced that the proposed agreement would be signed in the next few days. After drafting on the present report had concluded, the United Nations High Commissioner for Human Rights told the Special Rapporteur that the protocol of agreement between the Government of Zaire and the United Nations on the opening of a human rights office in Zaire had been signed on 21 August 1996. The Special Rapporteur hopes this agreement will significantly advance respect for human rights in Zaire. He also trusts that

the office will be set up as quickly as possible and warmly recommends that, given the events taking place in Northern and Southern Kivu, the office should be able to set up branches with observers in Goma and Bukavu.

2. To the international community

127. For his recommendations to the international community the Special Rapporteur will simply repeat what he said in his first report: "One observation heard by the Special Rapporteur in Washington, in Mbuji-Mayi, in Geneva, in Kinshasa, in Brussels and in Goma, from journalists, lawyers, political specialists, diplomats and members of the military, and one which may be inferred from the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, is that if the political situation in Zaire explodes, its consequences will be far greater than those in Rwanda or Burundi. The current level of tension and the tribal and regional rivalries that have been stirred up, and have been further inflamed by the huge inflow of Rwandan refugees, give reason to fear this may occur. The international community, and in particular those countries with historical responsibilities in the region, cannot disregard a situation of this scale. The Special Rapporteur's conscience would not be clear if he failed to express his opinion in this respect. Preventive diplomacy is urgently required, although the Special Rapporteur believes that any such diplomatic measures cannot be aimed at reinforcing the status quo, as there is no certainty that an irreplaceable guarantor of stability exists. Zaire's transition cannot be postponed. Friendly countries could bring their diplomatic and political influence to bear in order to resolve the current conflicts in Zaire" (E/CN.4/1995/67, para. 274). That was written more than two years ago, and events have heightened the fears of that time.

128. Spread of the conflict. The international community must be alert to what is happening in Kivu, and to efforts by international organizations to stave off the cruellest consequences of a disaster already in the making.

129. United Nations or Organization of African Unity military observers in the region. This suggestion has been put forward on various occasions but the necessary agreement has never been reached. The Special Rapporteur considers that, given the level of ethnic confrontation in the Great Lakes region and the increasingly international nature of the conflict, aggravated by the sense that the Zairian Armed Forces are not capable of dealing with it in Zaire and may even have made things worse, the only possible way of preventing the violence from spreading is to dispatch military observers to the region.

130. Extraordinary session of the Commission on Human Rights. At their first

meeting, the Special Rapporteurs on the human rights situations in Burundi, Rwanda and Zaire suggested that the Commission on Human Rights should adopt a global resolution on the region (E/CN.4/1996/69, annex, para. 18). The Special Rapporteur, having discussed the situation in the region with the Special Rapporteurs on Burundi and Rwanda, ventures to suggest an extraordinary session based on the Special Rapporteurs' latest reports, including this one, since the Economic and Social Council, in resolution

1990/48 and decision 1993/286, has authorized the Commission to meet exceptionally between its regular sessions in the event of urgent or acute human rights situations.

131. Coordination of the High Commissioner's operations in the three countries. The three Special Rapporteurs also recommended that the operations of the High Commissioner should be extended to the three countries in the region and that observers should be deployed. They recommended that human rights should form an integral part of United Nations strategy in the region (E/CN.4/1996/69, annex, para. 17 (f)). The Special Rapporteur wishes to emphasize this recommendation.

132. Representation of the Commission on Human Rights in the bodies deliberating on and taking decisions for the region. The Special Rapporteur also emphasizes the need for the Commission's Special Rapporteurs to attend conferences, seminars, symposia and other activities relating to the region, as they stated in the report of their first meeting (E/CN.4/1996/69, annex, para. 17 (1)).

3. To United Nations bodies

133. The Special Rapporteur is obliged to draw attention to a lack of coordination among the United Nations bodies concerned with the topic of human rights.

134. On this subject, the World Conference on Human Rights held in Vienna in 1993 recommended: "... increased coordination in support of human rights and fundamental freedoms within the United Nations system" (A/CONF.157/23, para. II.1). Sundry other paragraphs of the Vienna Declaration and Programme of Action also emphasize coordination.

135. This was why the three Special Rapporteurs for the Great Lakes countries (René Degni-Ségué for Rwanda, Paulo Sergio Pinheiro for Burundi and the present writer for Zaire) stressed, at their first coordinating meeting in Geneva, on 18 and 19 January 1996, the need for them to take part in and be kept informed of other United Nations bodies dealing with matters relevant to their mandates (E/CN.4/1996/69, annex, para. 17 (g), (h) and (1)).

136. Likewise, at the yearly meeting of special rapporteurs and chairpersons of working groups in Geneva, on 28-30 May 1996, several participants spoke of the grave lack of coordination among the various bodies and agencies of the United Nations dealing with human rights issues and that the situation seriously undermined efficiency. The meeting suggested that the High

Commissioner should forge stronger links with the rest of the system (see E/CN.4/1996/50).

137. The Special Rapporteur has noted the dispatch by the Secretary-General of the United Nations of a team from the Department of Humanitarian Affairs to discuss the problem of ethnic violence in the Northern Kivu district with the Zairian Government so as to be able to cope with the humanitarian needs attendant on the crisis. The mission, which was prompted by the events in Mokoto and took place between 30 May and 7 June, focused on ethnic violence, a subject which the Special Rapporteur covered in his first two reports.

138. Another United Nations mission sent to Zaire this year to evaluate the electoral process pointed out in a summary that almost all the people interviewed mentioned, as a prerequisite for the elections to take place, the implementation of the 1981 Nationality Act; the Special Rapporteur furnished precise guidelines on this subject in his first two reports (E/CN.4/1995/67, paras. 122-124, 243-247 and 264; E/CN.4/1996/66, paras. 57-63, 117 and 120). In the Special Rapporteur's view the result, if the Act is indeed implemented but so interpreted as to deny Zairians their nationality, will be a serious violation of human rights, as this report has shown.

Notes

North or Northern, and South or Southern, Kivu are used interchangeably.

They sometimes refer to themselves by other names, such as that of the district they live in e.g. the Banyabwisha.

The Tutsi refugees who fled to Zaire in the first months of the fighting in 1994 have also come back to Rwanda.

National deputies Ciprian Rwakabuba (The national leader of the Mouvement populaire de la révolution (MPR)); Phogas Sebakunzi; Emmanuel Rwiyereka; Mrs. Kanamahalagi Mburanuhwe; Gatalik ançois Mpagazihe. Ministers of State Léonard Senseyi and Nepomusene Rwiyereka. Catholic bishop. Patient Kanyamachumbi. The Director of the National Bank, Damien Munyarucendo. University professors Deogratias Mbonyinkebe, Joseph Mulinda, Célestin Kalimba. Deputy Gсталiki, Minister Rwiyereka Nepomusene and the adviser to the Governor of Northern Kivu, Joseph Mwangachuchu, all came to Zaire this century. The current Minister of Higher Education and Scientific Research, Kimonyo wa Magango (a Hutu).

Thirty-one are said to be being held by the Service d'action et des renseignements militaire

d 13 by the Service national d'intelligence et de protection.

Zairian Camp Security Operation (ZCSO). See the second report, E/CN.4/1996/66, para. 47.

E/CN.4/1995/67, paras. 61-76, 94, 99, 102, 145-169, 184, 201, 249, 258; E/CN.4/1996/66, paras. 45, 47, 69-81, 88, 89, 97, 121-123.

Impunity is discussed in paras. 77-84, 249 and 261 of the first report (E/CN.4/1995/67) and paras. 77 ff. and 121 of the second (E/CN.4/1996/66).

The Special Rapporteur discusses this in paras. 156-159 and 257 of the first report (E/CN.4/1995/67) and paras. 75 and 122 of the second (E/CN.4/1996/66).

Projet portant organisation de l'identification des nationaux, du recensement de la population et de l'enrolement du corps électoral.

The Council of Ministers' statement also finds fault with the Special Rapporteur's suggestion, which he has never made, of absorbing the Rwandan refugees in Zaire. What the Special Rapporteur did recommend was that the principle of non-refoulement established by the 1951 Convention relating to the Status of Refugees should be respected.

The criticisms focused on two points: (a) the report spoke of the Banyamulenge who numbered some 400,000 individuals". The lack of censuses in Zaire makes it hard to give an exact figure. The sources cited by the group in Canada gave different figures: one said there had been only 10,000 individuals in 1954; another, that there were 6,000 in 1956; a third said they now number 14,000, and yet another says 14,000. The sources interviewed by the Special Rapporteur showed him figures around the 350,000 mark, but insisted that there were "over 500,000". In any case, if there were fewer than 20,000, the violence this argument has developed would defy explanation; (b) the Banyamulenge arrived in the region not in the eighteenth century, as the report says, but in the twentieth. The self-styled "original" inhabitants and the Banyamulenge drew on a variety of fanciful arguments. Paradoxically, these are often the same - it is the interpretation of what they say that differs. The self-styled original inhabitants appear to believe that before colonization there were rigid boundaries, whereas all authors stress that until the Berlin Conference the boundaries were only approximate, and there is no question of the Rwandan Kingdom of Urundi having included districts that now belong to Zaire. The Special Rapporteur points out, in any event, that in his statement to the fifty-second session of the Commission on Human Rights the Minister of Justice, Mr. Joseph N'Singa Udjuu, said it "must be recognized that Rwandan immigration into the Kivu provinces, Kivu, Mwenga and Uvira districts of Southern Kivu dated from the same period as the immigration to Northern Kivu".

TO: DMI
 FM: H/COMBAT
 DATE: 20/9/96
 SUBJ: COMBAT ANALYSIS REPORT ON WBNF IN WEST NILE.

PREAMBLE:

West Nile Bank Front is a rebel organisation under the leadership of Juma Oris and mainly based in Southern Sudan. Sudan, like LRA, recognises it a formidable force one of the several it is giving assistance. Quite related to WBNF is the UNRF II under Bamuze whose Hqrs are Kajo-Keji whose operation area is Moyo district.

The WBNF though lossing its fighters through desertions, has the capacity to disorganise and stretch the UPDF might. Because of the massive logistical and ground support offered to these rebels by both the Sudanese and Zairean government, its operations are likely to go beyond W. Nile region. Rampant acts of terrorism, assassinations and nuisance operations are likely to be extended to the capital Kampala.

Its worth noting that the tabliq recruits who have been ferried through Zaire to Sudan have joined the WBNF in quest to fight a fundamentalist war against the NRM regime.

1. WBNF COMMAND STRUCTURE.

Major General Juma oris is the chairman of the high command and commander in chief of the rebel faction. His 2I/C is Abdallatif who is also the chief administrator. Following the hierarchy, is the Division commander of the only Division the group has, he is Colonel Yassin Noah. Following are the 21 members of the high command among whom are the six Brigade Commanders and commanders of the special Units.

The list below shows members of the high command:-

- | | |
|------------------|--|
| a. Juma Oris | - Chairman |
| b. Abadiladif | - 2I/C chief Admin |
| c. Juma Ndege | - Chief advisor |
| d. Chekn Sammuel | - Operations/liaison officer |
| e. Matata Moses | - General Sec. to HC and LRA liason officer. |

f. Moses Okello	- Chief of civil intelligence and security
g. Gulamn	- 2I/C chief of civil intelligence and S.
h. Yahaya	- Head of military intelligence
i. Ssemakula	- political representative
j. Yassin Noah	- Division CO
k. Musa Ali	- 1 Bde CO
l. Moses Gala	- 2 Bde CO
m. Athocon	- 3 Bde CO
n. oghoki	- 4 Bde CO
o. Dudu	- 5 Bde CO
p. Sudi Ali	- CO artillery
q. Baker Tretre	- Chief signal officer
r. Ojere	- Director of mili. hospital
s. Aziz Odua	- Supplies
t. Moro	- training
u. Abbas	- Rations

The Bde-CO 6 Bde whose names are yet to be got.

2. THE POLITICAL STRUCTURE:

The WNBf political hierarchy is headed by Zubairi Atamuvaku together with yet other unestablished officials at the SAF Juba Garrison Hqrs. Their role is mainly to recruit, mobilize, solicit logistics and to gather general intelligence. Its other work is to spread anti NRM propaganda and to align with any anti NRM movement/organisation.

Under Atamuvaku, are two structures:-

- (a) The political representatives base at Kaya.
- (b) The regional heads-based inside Uganda.

3. WNBf STRENGTH.

a. Personnel.

The overall strength ranges from 2000 - 2500 officers and men. There are six brigades and each has three Units of approximately 200-2500 men but keep on dwindling due to desertions.

There are special Units namely:-

- (i) Suicide Bn - Under Major Said (reported to UPDF)
- (ii) Strike force - Under Major Awara
- (iii) Milan (tabliq Bn) - under Capt. Wasswa
- (iv) Military police - under Capt. Garry
- (v) Tank Unit - under Capt. Kadogo

The overall strength of the special Units ranges from 500-650 officers and men.

b. Weaponary.

- (i) Individual Weapons: AK 47 rifles and hand grenades.
- (ii) Crew Served weapons: - Mortors 60mm, 81mm, 82mm each Bn has about 3 and the Arty regiment has about 8 in number.
- (a) Doscar Anti-Aircraft - Iraq modified gun with an effective range of 6 miles.
- (b) RPG 10 - 2 miles range
- (c) BIO - Anti tanks
- (d) Anti tank mines
- (e) Anti personnel mines.
- (iii) Mechanical: Have tanks and APCs under the command of S.F. and used for training purposes. SAP vehicles - troop carriers are used to ferry logistics and troops.
- (iv) Combat Effectiveness: As a guerrilla force with such a strength, it would have been expected to be combat effective. However, lack of good command and failure to carry out Independent combat planning had defied this guerrilla force combat effectiveness. They cannot hold ground.

4. COMPOSITION.

The WNBK has 6 Bde and special Units.

<u>Unit</u>	<u>Coomander</u>	<u>Location</u>
<u>1 BDE.</u>	Lt. Col. Ali Musa	Poki
1 Bn	Capt. Tito	
2 Bn	Capt. Anania	
3 BN	Jackson Dimba (dead)	
<u>2 BDE (red)</u>	Col Moses Gala	Agigwa hills
4 Bn	Capt. Apollo	
5 Bn	Capt. Woku	
6 Bn	Capt. Okello Wange	
<u>3 BDE.</u>	Col Atochori	Dudulabe
7 Bn	Capt. Ali BBC	
8 Bn	Capt. Karim	
9 BN	Capt. Ayeho	
<u>4 BDE.</u>	Maj. Salim Ogwoki	Kaya Poki
10 Bn	Capt. Mohammed Olera	
11 Bn	Capt. Guma	
12 Bn	Capt. Shaban Alai	
<u>5 BDE.</u>	Maj. Charles Dudu	
13 Bn	Capt. Bilali	
14 Bn	Capt. John Popi	
15 Bn	Capt. Alai Aganoai	
<u>6 BDE.</u>	Not yet known	
16 Bn	Capt. Abubakari Kenia	
17 Bn	Capt. Dene Issa	
18 Bn	Capt. Agiga (dead)	

N:B The composition of special Units is as mentioned in 3 a. above.

5. TACTICS.

- a. Use guerrilla tactics
- b. Conventional with the backing of the SAF

6. TRAINING.

At first Arabs were the ones training but because of the language barrier, instructors were selected from the former UA's

Training takes place at Poki and Molobo and there after, recruits are distributed to different Units.

6. LOGISTICS.

- a. Food: is supplied by Sudan and it is mostly sorghum, beans, okra, ados and sugar Gulu.
- b. Medical: Drugs are rare but it is supplied by the SAF and the political wing which is in Zaire.
- c. Uniforms: Supplied by SAF.

8. ENEMY'S STRATEGY.

~~The enemy wants to cut off the West Nile region from Pakwach after which it will begin co-ordinated operations with the NRA to overthrow the NRM government.~~

9. ENEMY PLANS.

- a. To train a force that will infiltrate the Urban areas of central region for terroristic acts. (In fact a force of 200-250) is already under training in Kaya). They are called commando striking forces.

- b. They intend to co-ordinate with UNRF II activities in Moyo areas while for them they concentrate on military targets in Koboko, Kaya and Arua.
- c. Destroying key bridges in the a region is one of their major plans in order to deny UPDF supplies.
- d. To continue with the recruitment mostly of former soldiers and to intergrate the tabliqs that are ferried through Zaire.
- e. To co-ordinate and possibly send in troops through Zaire to launch an attack in the south western areas of Uganda. This would be in liaison with Rwandese army and some Tabliqs recruits inside Zaire.

10. OBSERVATIONS.

- a. The enemy is likely to use many fronts in the region of W. Nile and even beyond so as to stretch UPDF and tender it ineffective.
- b. Enemy terrorist groups would soon infiltrate deep inside the country for assassinations, muissance operations etc in order to divert the attention of the security organs.
- c. The enemy has infiltrated the UPDF Intelligence net work especially in W. Nile where the rebels women are used during market days to get information from UPDF defences.
- d. Secrets and plans of UPDF leak to the rebels through indiscipline officer who go on gossiping to civilians of double standards.
- e. ~~The political ground in W. Nile has not changed much from that of the presidential elections. The region is yet to be supportive in the NRM cause and that of the army is particular vis-as-vis what is happening there.~~
- f. Desertion in the ranks of the enemy are likely to continue if the UPDF completely denies these thugs ground in the region. Most of them have been disappointed by the empty promises of large sums of money and yet the way doesn't make any headway as they expected it.

(LT. C . M)

MINUTES OF DISTRICT SECURITY SITUATION REVIEW MEETING
HELD AT BUNAGANA ON 15TH OCTOBER, 1996

1. IN ATTENDANCE:

- | | | | |
|----|-----------------------|---|-------------------------|
| a. | Lt. Emmy Twagira | - | Ag. RDC/DSO - Chairman |
| b. | Major God Ssambwa | - | CO 25 Bn. |
| c. | Mr. A. M. Kiganda | - | CAO - Kisoro. |
| d. | Mr. G. Rusangiza | - | Ag. Chairman L.C.V |
| e. | ASP Semakula | - | DPC - Kisoro. |
| f. | Mr. Evarist Bidafashe | - | O.C CID - Kisoro. |
| g. | Mr. Charles Oluru | - | I.O - Bunagana. |
| h. | Mr. Francis Kanyoro | - | Immigrations - Bunagana |
| i. | Mr. Robert Bigirimana | - | I/O Bunagana Customs |
| j. | Et. Ben Buni Akomi | - | I.O 25Bn./Secretary. |

2. AGENDAE

- a. Communication from the Chair
- b. Assessment of the Border Security Situation
- c. Loopholes at Border check points with emphasis on Bunagana and Busanza
- d. Measures to contain the situation
- e. A.O.B.

ITEM NO. I:

3. The Chairman declared the meeting open by first elaborating on the provocative tendencies of Arrests, Murders and abduction of Ugandan citizens by antagonistic forces he named as Zaireans and Interahamwes operating from their bases in Zaire. Other humiliating acts of torture against suspected Ugandans on espionage to Zaire was cited. He also expressed dismay at the intimidation and propaganda of an appropriate retaliative attack by Zairean based forces on Uganda borders which created fear in Bunagana areas, causing nightless sleeps, business deterioration and untolerable suffering of the masses seeking assylum in safe areas. Supplementing the provocation and intimidation was the continuous rustling of domestic animals by combined Zaire/Interahamwe Agents but ruled out possibility of a total attack due to the on-going confusion in Zaire and their incapacity to contain a retaliative counter aggression.

ITEM NO. II:

4. Assessment of the Border Security situation: In analysing the border security situation especially of Bundgana and Busanza, the following were realised and deemed combat indicators of an unstable security situation within the bordering areas with Zaire as they provide uncontrolled influx/exit avenues to external antagonistic forces perpetuating hostility:-

All members.

a. Provocative, Intimidative and humiliating tendencies of the hostile service forces against Ugandans along the borders, and in Zaire undermining the cordial neighbourhood relationship accorded to them by Ugandans. Similarly is the propagation of alarming propaganda of attack instilling fear in the masses and causing prolonged sufferings.

Security Organs and L.Cs to maintain vigilancy.

b. Infiltrating and penetrating own areas taking advantage of our laxity gathering intelligence about;
(1) Military positions, activities and ployment.
(2) armament and capability to contain the situation.

All Intelligence organs, Immigrations/Customs Administrators and L.Cs.

It was also realised that movements of infiltrators are facilitated by:

a. Fake documents from Zaire as they claim to have lost their original documents or Identity cards.

Customs and Immigration Officers..

b. Uganda's lack of a National Identity Card has also contributed to the free incursion of infiltrators.

District Authorities to forward the same to higher echelons.

c. Sale of Graduated Tax Tickets (Ugandan) to external forces by individuals in the Administrative sector, e.t.c has made worse the influx as this is the most valid and considered document in the country. The Administrative wing and L.Cs are called upon to terminate this tendency to reduce influx.

All Administrator and L.Cs.

- d. Lack of liaison between the Immigration Office and Security organs has resulted into failure to reduce external influx thus rendering the denial of enemy the access to obtaining information fertile ground/advantage.

The District Police Commander alerted the meeting that rearing of animals along the border line has become insecure as external hostile forces seem to target them. He further chaggged that Ugandans are very relaxed with the neighbourhood in a bond of brotherhood while idle Ugandans tend to seek for jobs in Zaire creating a situation for the Nation to liberate them in case of victimisation by Zairean Authorities. The Ag. L.C.V Chairman supplemented the DPC's views by adding that L.Cs should be vigilant to contain such situations as people along the border line are interrelated and immediate neighbours of Zairwas citing an example of Busanza where the border is determined by road sides. He commented Uganda for law abiding thus Zaire being unlawlessness is capitalising on our gentility as they are accorded sanctuary by their neighbours. However, the Chairman put it clear that Kisoro is a strategic position for the movements of antagonistic forces within the trio-countries. Thus any person who abets or facilitates the movement of non citizens should be arrested, and dealt with harsly. He also reminded the meeting that the two million exiled Rwandese in Zaire is a favourable ground for recruitment of forces to destabilize the Region. The Customs Officer, Bunangana added that Zaireans extort money from Ugandans naming them spies yet they (Zaireans) are safe on our side.

He continued by saying that harassment and mistreatment of Ugandans in Zaire is at the increase and none are allowed to proceed beyond Rutsuro while those who manouvre are tortured or maimed.

Action

DPC, CO,
DISO,
Immigration
& Customs.

L.Cs and
Administrators.

Customs/
Immigrations
Officers.

ITEM NO. III:

5. Loopholes at Border Check points. The following were observed as loopholes at the border check points:-

- a. Lack of an Interraction between Zaire and Uganda to have common restricted movement permits which could confine local movements to a specific chief or Administrator. The Customs Officer assured members that this system ever perfectly worked between Uganda and Rwanda.
- b. Continous exit and influx of both Nationals by passing th Immigration Offices purportingly to visit relatives has made identification of persons difficult especially on market days.
- c. Some security personnel have also adopted the Zairean habit of extorting money and allowing movements in and out.
- d. Uncontrolled day and night movements across the Borders.
- e. Unthorough scanning of documents at the check point. Others who passed via the Customs/Immigration Offices have been turned back though they possessed official documents on suspicion.
- f. Markets along the border line and No-man's land allowing free mixing of both Nationals with various interests. It was observed:
 - (1) That the Market of Busanza be shifted to its new site while that of Nteko pends survey and allocation of a new site.
 - (2) That an earlier decision had been reached to shift all border markets inwards but implementation never took place.

Police and
Immigrations.

Security
organs,
Immigrations
office.

CAO and
L.Cs.

CAO.

CAO.

- (3) That Business communities neglect shifting of border markets inwards because of the access they have to smuggling their items which shouldn't be condoned.
- (4) That serving business interests should be subsidiary as they provide avenues for infiltrators.
- (5) That due to the free mixing, infiltrators have access to gather intelligence required and even abduct anybody as may be their mission.
- (6) That there is marketing of items in No-man's land which makes identification of persons difficult as they don't reach the relevant offices and check points.
- (7) As a security measure, Markets at borders/No-man's land must be moved inwards to serve both security and business interests.
- (8) That over crowding of Trucks at the Customs offices/premises may be of security risk but the Customs Officer attributed the same to delays caused by his Headquarters in Kampala.

Action

Immigrations,
L.Cs and
Security
Organs.

All Members.

Customs
Office,
Kampala.

ITEM NO. IV:

6. Measures to contain the situation:
With all items from No. I to III exhausted, the following measures are sought to rectify and contain the deteriorating security situation at hand:-

- a. The ULDF Commander emphasised on the need to mobilise and sensitise the L.Cs and masses at large to guard against the enemy hostilities. Villages should have early warning alarm mechanisms like drums to

District
Committee,
County and
Sub-county
Committees
and L.Cs.

	<u>Action</u>
alert both security organs and neighbours to avoid being caught unawares by the enemy. Mobilisation and sensitisation should be centralised to parish levels so that every L.C ensures his role is fully played, supplemented by sub-county committees.	
b. UDF Commander should devise a system of guaranteeing security for the population in the disturbed areas of Muramba, Gisozi and Nyarubuye. Military detachments may be vulnerable and easy to dodge thus this shall be;	En. Co. DFC and all Intelligence sources.
(1) Done through Aggressive Fighting patrols and covert clandestine parties in collaboration with the police and Special constabularies. Such operations shall be based on Intelligence pre-requisites and gatherings.	UDF Field Commanders and Intelligence services.
(2) Covert night patrols and ambushes along all suspected entry and exit points in liaison with the Special Constabularies to curb infiltrators and any other persons avoiding entry or exit from the main border post.	Border UDF Commander, Police and area secretaries for Defence.
c. Strict observation and scanning of movement documents across borders zeroing movement accessibility to those in possession of <u>PASSPORTS</u> only.	Customs, Immigrations and Security Organs.
d. Border markets operating near border lines and No-man's land be immediately shifted inwards. Busanza market to operate from its projected new site while Nteko market be re-demarcated for the time being as an alternative is sought.	CAO and Security Organs.

- e. Immigrations and Customs Officials should liaise with their Zairean counter parts to stop bussiness in the No-man's land while time should also be fixed for movements accross borders.

Action

Immigrations
Customs and
DPC.

ITEM NO. V:

7. A.O.B.

The following fall under this item:

- a. All Zaireans in Uganda without valid documents; i.e; movement and Trade should be rounded up, their properties stored in the Customs stores and suspects prosecuted.
- b. The DPC to reinforce the Customs Office with manpower to broaden his operations along the borderline.
- c. Cows rustled should be handed back through the police for delivery to their rightful owners.
- d. No vehicle should leave Uganda for Zaire and vice-versa before the situation normalises.
- e. An alternative parking position should be sited to avoid over crowding of vehicles at the Customs Offices.

DPC, OC
Bunagana
Police post
and Customs
Officer.

DPC.

DPC, OC .
Bunagana Police
Post,

Customs/
Immigrations and
Security Organs.

Customs/
Immigrations
Officers.

Meeting adjourned at 1400 hours.

Compiled by:

Approved by:

(Ben Vuni Akomi)LT.
BN. I.O - KISORO.

(Emmy Twagira Tuzindo)LT.
AG. RDC/DSO - CHAIRMAN.

Distribution:

- DGISO.
- I.G - POLICE.
- BRIGADE CO.
- ALL MEMBERS.

FOR AD/CI'S ATTENTION.

TO: DMI
FM: H/COMBAT
DATE: 2 JUL 97
SUBJ: THREAT ASSESSMENT IN S/WESTERN DISTRICTS
KISORO, KABALE AND RUKUNGIRI.

1. GENERAL:

The capture of power by RPA in 1994, pushed thousands of armed Rwandese soldiers (FAR) and Hutu militia into the western side of Congo (formerly Zaire) that borders Uganda. Instead of disarming them, the Mobutu regime simply concentrated and organised them into camps. The Kabila forces disintegrated these camps, the occupants mostly armed militia and ex-FAR went into disarray, disappearing into the jungles of south eastern Congo. Because of the vastness and wildness of Congo, Kabila's forces thin as they were on the ground never bothered to hunt them down, disarm and repatriate them. This has posed a security threat to the rear of Kabila's forces and to both countries of Uganda and Rwanda.

From Kisangani areas in Congo, the ex-FAR, ex-FAZ and hutu militia have been joined by a few Ugandan dissidents and have embarked on a south ward movement to the areas of Virunga, Bwindi and Mgahinga National parks.

2. REGROUPING OF EX-FAR, EX-FAZ AND HUTU MILITIA IN CONGO.

a. Between 2000-3000 men ex-FAR and hutu militia fairly armed have amassed in Virunga and Mgahinga National parks. Out of these between 700-100 men have infiltrated and had running battles in Ruhengeri (Rwanda). The remainder in Virunga have been under attack from ADFL forces of Congo.

b. These dissidents, many as they are though not directly threatening Uganda's territorial integrity, could be a security threat because of pressure exerted on them by both RPA and ADFL forces.

c. The places where these thugs are concentrated are in National parks where food and other logistics are lacking. This makes Uganda vulnerable since these thugs could cross over forcefully to acquire these supplies.

3. KABEBA'S GROUP:

After attacking Kisoro in 1996, Kabeba's group retreated into Congo where it is thought to have been disintegrated by changes that took place inside Congo. However the group went into hiding and has started re-organising itself.

a. Composition:

The group is estimated to be between 200-300 men re-organising in Vitshumbi, Lulumbi, Kisegele and Kisoro. It is composed of few ADF who run from Kasindi, late Kisase's recruits, few hutu and ex-FAZ elements. The group is fairly armed.

b. Activities:

The group has of recent been carrying out nuisance attacks on ADFL of Congo. ADFL efforts to comb their vast areas where they had suspected Kabeba's forces to be hiding, have so far yielded nothing.

c. Intention:

To merge with big numbers of ADF operating in Kasese areas and begin operating in the rear areas of UPDF in Rukungiri and Kisoro. Currently the group is lacking arms, ammunition and other supplies in form of drugs. They intend to get these from Uganda.

4. ASSESSMENT OF THE THREAT TO UGANDA.

a. The ethnic composition of the civilian population along the common borders of Uganda and Congo favour the cause of fighting groups. They are brothers, cousins and have many things in common. They are mainly Hutu. The L.C system inside Uganda has been used as a conduit as some of them issue infiltrators with movement orders.

b. The pressure exerted on these groups from Rwanda leaves Uganda district of Kisoro an alternative vulnerable point by these groups.

c. In the whole Kisoro district, there is only one company which is based at the district Hqr. In other border points, there police posts with very few personnels. The enemy groups that are along the border are aware of such thin security personnel on the ground. It is their prime target, to overrun them, get arms and ammunition, food and drugs. This leaves key points of Chanika, Bunagana and Kisoro town as areas which are likely to be attacked at any opportune moment.

d. The Kabeba's rebel group presence in areas bordering Ugandan districts of Kisoro and Rukungiri poses a serious threat of attacking and infiltrating areas of Butogota, the Olugano forest, Kihihi and Ishasha areas.

e. It should be noted that the composition of Kabeba's Ugandan dissidents is of local youths born in Rukungiri and Ntugamo districts. They know the terrain and have intelligence about own forces.

f. The Bangilima tribe of Congo which is opposed to Kabila's regime and few remnants of Bisase's recruits have joined up hands with Uganda dissidents. This has given these groups cover in Congo. This will give them opportunity to deal with the thinly deployed ADFL troops along the Uganda border and then make incursions inside Uganda.

g. Of recent, command structure of ADFL along the border has been changed. The original devoted Banyamulege commanders have been replaced by former FAZ commanders who have been under re-orientation. These are the same commanders who were manning these border points and giving sanctuary to these dissidents inside Congo. Their vigilance and trust to deal with the groups which they once collaborated with, is doubtful.

This leaves room for the dissidents to freely re-organise, get intelligence and cross over to attack areas inside Uganda without any pressure from their original bases.

h. As if the above is not enough, military intelligence capabilities of ADFL are very much limited. They lack competent I.O's along the border to monitor, assess and provide collaborative intelligence to Ugandan security operatives. This makes it difficult to have co-ordinated and focused operations against the rebel bases.

5. ENEMY LOCATIONS:

a. Inside Rwanda

- (1) Muhavura ranges
- (2) Mgahinga National park
- (3) Sabinyo ranges
- (4) Kidaho commune

b. Inside Congo

- (1) Virunga National park
- (2) Tongo
- (3) Kiso
- (4) Kisequlo

3 and 4 are areas covering between Nyakakoma and Vichumbi on the Uganda/Congo border.

- (5) Bwindi National park where an estimated group of 200 ex-FAR and EX-FAZ are concentrated.

NB: There are no enemy camps inside Uganda.

6. OWN FORCES ASSESSMENT:

a. UPDF has only a company in Kisoro that can hardly defend the Hqr in case of a massive attack. They cannot fight an offensive battle and the nearest reinforcement in terms of personnel and equipment is in Mbarara.

b. The whole of Kisoro district has never bothered to train LDU personnel thereby leaving the wilderness of the countryside without any security organ to deter any enemy threat.

c. The police posts scattered in Bunagana, Chanika and other trading centres are defenceless and thinly spread.

d. Military intelligence is hardly felt on the ground thereby leading to an intelligence vacuum. There is much required for military intelligence to collect and monitor about enemy activities and courses of action across Rwanda and Congo. It has only been the DISO's office with some limitations doing intelligence in the region.

e. In Rukungiri district there are 200 LDUs trained but only 100 are deployed and officially paid by government, the rest are idle in the villages. The 100 are deployed as follows:-

- (1) Rweshama - 40 LDUs
- (2) Butogota - 25 LDUs
- (3) Kirara National park - 35 LDUs.

f. ADFL of Congo: (friendly force).

They have a strength of a BN based at Luchuru but widely and thinly spread right from the border of Rwanda (Virunga) to lake Edward. They are of a strength of platoons along the following border posts:-

- (1) Bunagana
- (2) Butogota
- (3) Ishasha
- (4) Nyakakoma
- (5) Nyamusisi
- (6) Nyamirima

Such thinly spread forces can hardly contain and monitor enemy activities within the wild and wide forests in their areas of control.

g. RPA (friendly force).

They are in a Brigade formation with its Hqr at Ruhengeri. They have a full Battalion plus, stationed near Chanika at the Uganda Border. They are a well equipped and organised force that has contained several rebel incursions within their territories. They can easily contain any situation along the border. They only need co-ordination with our forces to execute Joint missions.

7. RECOMMENDATIONS:

a. The company in Kisoro be reinforced to a strength of a Battalion in order to contain a serious security situation that is developing in the region.

b. A programme to train local LDU be embarked on through the local authorities in Kisoro. Such a force would in the future be in position to contain spill-over incidences along our border lines.

c. The game rangers be armed with automatic rifles and their numbers to be boosted so as to be utilised by the security organs as early warning groups.

d. In Rukungiri a force of a company be put at Kihihl and another company at Ishasha. The interior strategic areas of Rukungiri can be secured by LDU units.

e. 2nd Division I.O should deploy his operatives in areas of Butogota, Kihhi and Ishasha so as to tap intelligence deeper inside Congo;

"CONFIDENTIAL"

Uganda Peoples Defence Forces
 Mil Int & Sec Dept
 2 Division Hqs
 P.O.Box 1559
 Mbarara.

13 Sept 97.

THE
 2 DIV. COMDR.
UPDF- MBARARA.

RE: MONTHLY REPORT FOR THE MONTH OF AUGUST 97.

INTRODUCTION:

This report covers the period from 1st Aug to 31st Aug 97, and it highlights the following:-

- (a) General security situation.
- (b) Enemy situation.
- (c) Enemy locations and plans.
- (d) Own achievements.
- (e) Own losses.
- (f) Own forces.
- (g) Operational problems.
- (h) Suggestions and observations.
- (i) Conclusion.

GENERAL SECURITY SITUATION:

Generally security situation in the area of control (w/Uganda) has gradually been improving. Though there is still ADF activities of raiding, killing, abducting and looting food stuffs registered in the region.

And this act of killing, abduction, burning houses, raiding and looting food stuffs has been carried by the ADF rebels in the places where they completely have no support from wanainchi as a means of revenge.

The most affected districts in the region are: Kasasa, Bundibugyo and some parts of Kabarole district, being used as transit routes to the neighbouring districts of Ribala, Bushenyi, Hoima and Ibanda sub districts plus Katonga G/ reserve.

(i) BUNDIBUGYO.

(a) Security Situation in Bundibugyo, the security situation in Bundibugyo zone has been steadily improving with the displaced people slowly going back to their homes. However a lot remains to be done in Bundibugyo to assure

"CONFIDENTIAL"

-2-

the population of their safety.

(b) ENEMY SITUATION IN BUNDIBUGYO.

The enemy operating in Bundibugyo is highly mobile and operates in small groups of 02-05 men as such given the inaccessibility to rebel positions due to difficult terrain, no significant enemy positions have been identified. However the following hide outs have been identified:-

- Kabango- in Butama Parish.
- Kasanzi - Butama Parish.
- Bukwera - Kakuka Parish.
- Katunguru - Kakuka Parish.
- Kirambi.

(c) ENEMY STRENGTH.

The enemy operating in Bundibugyo is about 300 men. However this number can easily be reinforced by the group in the near by rebel bases in Congo.

The enemy subdivided themselves into small groups according to the mission at hand.

(iii) KASESE DISTRICT.

The security situation in this district has been improving of recent after a number of rebel activities where

HUMAN RIGHTS WATCH / AFRICA
FÉDÉRATION INTERNATIONALE
DES LIGUES DES DROITS DE L'HOMME

October 1997

Vol. 9, No. 5 (A)

DEMOCRATIC REPUBLIC OF THE CONGO

WHAT KABILA IS HIDING

Civilian Killings and Impunity in Congo

I. SUMMARY	3
II. RECOMMENDATIONS	5
III. BACKGROUND	7
The Origin of the Refugees	7
Banyarwanda and Banyamulenge	8
The Citizenship Question	8
Violence Against Speakers of Kinyarwanda	9
The Banyamulenge Revolt	9
Attacks on the Camps	10
The Laws Violated	11
IV. OVERVIEW OF CIVILIAN KILLINGS FROM OCTOBER 1996 TO AUGUST 1997	12
Human Rights Abuses by the FAZ	12
Human Rights Abuses by the ex-FAR and Interahamwe Militia	13
Human Rights Abuses Committed by the ADFL	14
V. WHAT KABILA HAS TO HIDE: A CASE STUDY	16
Human Rights Abuses Committed by the FAZ	17
Human Rights Abuses Committed by the Ex-FAR and Interahamwe Militia	18
Human Rights Abuses Committed by the ADFL	19

HUMAN RIGHTS WATCH / AFRICA
 485 FIFTH AVENUE
 NEW YORK, NY 10017-6104
 TEL: (212) 972-8400
 FAX: (212) 972-0905
 E-MAIL: hrwnyc@hrw.org

FÉDÉRATION INTERNATIONALE
 DES LIGUES DES DROITS DE L'HOMME
 17 PASSAGE DE LA MAIN D'OR
 PARIS 75011
 TEL: (331) 43 55 25 18
 FAX: (331) 43 55 18 80

VI. CLEANING UP: SITE PREPARATION AND THE INTIMIDATION AND KILLING OF WITNESSES	25
VII. WHO IS IN CHARGE: TOWARDS ESTABLISHING RESPONSIBILITY	28
Commander "David"	29
General Gaston Muyango	30
Commander "Godfrey" Kabanda	30
Lt. Colonel or Col. Cyiago (Kiago)	30
Commander or Lt. Colonel "Wilson"	31
Colonel "Richard"	31
Major "Jackson" Nkurunziza (or Nziza)	31
Commander "Joseph"	31
Colonel "Dominic Yugo"	32
VIII. UNCERTAIN PAST, UNCERTAIN FUTURE: CIVILIAN KILLINGS IN NORTH-KIVU TODAY ...	32
IX. THE INTERNATIONAL RESPONSE	34
The United States	35
Europe and Africa	37
The United Nations	38
X. ACKNOWLEDGEMENTS	40

I. SUMMARY

The Rwandan Patriotic Army (RPA) and the Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFL) carried out massive killings of civilian refugees and other violations of basic principles of international humanitarian law during attacks on refugee camps in the former Zaire (now the Democratic Republic of Congo) that began in late 1996, and in the ensuing seven months as war spread across the country. The war pitted the ADFL, used here to mean all forces under the nominal command of Laurent-Desiré Kabila,¹ with important backing from Rwanda, Uganda, Burundi, Angola and other neighboring states, against a coalition of then President Mobutu Sese Seko's Zairian Armed Forces (FAZ), former Rwandan Armed Forces (ex-FAR), Rwandan *Interahamwe* militia, and mercenaries. In addition to overthrowing former Zairian President Mobutu, the RPA and ADFL sought to disperse the refugee camps in Eastern Zaire, home to hundreds of thousands of civilian refugees as well as the ex-FAR and *Interahamwe*. Since the beginning of the war in the former Zaire gross violations of international humanitarian law have been committed by all parties to the conflict.

The nature and scale of abuses by different armed parties during the war varied significantly. The FAZ, ill-equipped and poorly motivated to combat the ADFL, were responsible along with their mercenary allies for countless acts of looting, destruction, and rape, in addition to indiscriminate bombings of Congolese populations resulting in numerous civilian casualties. Prior to the war, the FAZ, *Interahamwe* and local militia had carried out attacks on civilian populations in the east, as part of a national intimidation campaign against ethnic Tutsi Congolese.² The ex-FAR and *Interahamwe* militia supported their combat with and flight from the ADFL and its allies by widespread theft from Congolese communities and using civilian refugees as a shield. Ex-FAR and armed militia who had fled Rwanda in the wake of the genocide were responsible for sporadic killings of Congolese and reportedly some civilian refugees. Members of the ADFL military, in particular its Kinyarwanda and Kiswahili-speaking elements, regular troops of the Rwandan Patriotic Army (RPA), and their allies were responsible for large-scale killings of civilian refugees from Rwanda throughout their military advance across the Democratic Republic of Congo (Congo). One Rwandan officer who had been in charge of troops at several massacre sights in Congo commented, "It's so easy to kill someone; you just go—[pointing his finger like a pistol]—and it's finished."

These killings represent the latest in a cycle of massive violations of international humanitarian and human rights law in the Great Lakes Region in which impunity for the perpetrators has been the rule. Human Rights Watch/International Federation of Human Rights Leagues (FIDH) will soon publish a major account of the 1994 genocide in Rwanda, including precursor events and the entirely inadequate response of the international community.

Human Rights Watch/FIDH interviewed Congolese, refugees, international humanitarian workers, and long-time foreign residents in several provinces of Congo and the subregion during a six-week mission. Human Rights Watch/FIDH visited an eighty-kilometer stretch of road in one region of Congo, far from areas where combat took place, along which civilian refugees were slaughtered by members of the ADFL and RPA. In this area, Human Rights Watch/FIDH photographed mass grave sites of refugees and areas of road still littered with their decomposed bodies, among which the remains of women and children were clearly identifiable. Many of the skulls seen and photographed contained holes or were fractured, suggesting blows with a heavy object. The testimony of

¹In addition to being president of Congo, Kabila is minister of defense and commander in chief of the armed forces, but clearly he does not control all the soldiers participating in or allied with the ADFL who fought on his behalf. Substantial numbers of non-Congolese, including Rwandans, Ugandans, Burundians, and Angolans assisted Congolese who helped put Kabila in power, with Rwandans playing the most visible role. Throughout this report, we refer to all these soldiers as the ADFL forces. Military leaders responsible for massacres are discussed in greater detail in the "Who's in Charge: Towards Establishing Responsibility" chapter of this report.

²See Human Rights Watch/Africa and Federation Internationale des Ligues des Droits de l'Homme, "Forced to Flee: Violence Against Ethnic Tutsi in Zaire," vol. 8, no. 2(A), July 1996.

eyewitnesses describing how certain refugees were killed corroborated with physical evidence on the site, such as smashed skulls or other physical trauma. The refugees in this particular area were killed largely with machetes and knives by Kinyarwanda and Kiswahili-speaking members of the ADFL and members of the RPA. Prior to the arrival of the ADFL and RPA to this area, the ex-FAR and armed Rwandan exiles operating with them were responsible for widespread theft, destruction and reportedly some killings of Congolese civilians.

The killings and violations of international humanitarian law in this area represent a cross-section of events that occurred throughout Congo. Thousands of refugees, often young men, the sick, and those too weak to flee were killed by soldiers of the ADFL and RPA as they advanced across Congo. Thousands of other civilian refugees were deliberately cut off from humanitarian assistance, resulting in thousands of deaths due to starvation, dehydration, and disease. Many of the remains of refugees that were killed by the ADFL or the RPA have been exhumed, burned, or otherwise disposed of out of sight of potential witnesses. Congolese have been intimidated to keep them from providing information about the killings through arrests, beatings, and killings of those who have dared to speak out. Killings of civilians from several ethnic groups continue in Congo, most notably in the east where the unresolved issues of land rights, citizenship, and customary power have aggravated violence between remnants of the ex-FAR, Mobutu's former Army (ex-FAZ), and other ethnic-based Congolese militia, all aligned against the troops of the Rwandan Patriotic Army still garrisoning the region.

Some members of the international community, including the United States, were aware of Rwanda's intention to attack refugee camps in Eastern Zaire well in advance and either supported the idea, were unable to propose alternative solutions to the challenges posed by the camps, or did nothing to prevent it. After months of denial, Rwandan Vice-President Paul Kagame in early July 1997, claimed responsibility for planning and leading the invasion of the former Zaire and explained that his objective of dispersing refugees and destroying the ex-FAR and Interahamwe had been made known to officials of the United Nations and the United States among other members of the international community. The United States provided key political support to the Rwandan authorities throughout the military campaign in Congo and up to the present; knowledgeable witnesses have claimed that U.S. military provided training and assistance to the RPA on Congolese territory.

In April 1997, upon the recommendation of the United Nations special rapporteur on Zaire, the United Nations Commission on Human Rights requested that an investigation be conducted into mass killings and other gross violations of human rights in Congo. Since then, the Congolese government has demanded changes in the mandate of the U.N. investigation and repeatedly stalled the investigation. International support for the investigation has fluctuated: negotiations between Kabila and U.S. Ambassador Bill Richardson and U.N. Secretary-General Kofi Annan led to a change in the head of the U.N. mission and its mandate; as of this writing, however, the United Nations, European Union and United States have taken a firmer stand on the investigation taking place, insisting that international aid be conditioned on cooperation with the U.N. mission. Key members of the Organization of African Unity (OAU) have been firm in their support of Kabila as he defies the U.N. investigation.

The Congolese and Rwandan governments, along with the international community, should take all measures necessary to put an end to impunity in the region. This includes public recognition by all governments concerned that massacres of civilians took place during the armed conflict in Congo, as well as insisting that war criminals are investigated and held accountable for their acts. In parallel, efforts should be reinforced to bring the perpetrators of the 1994 genocide in Rwanda to justice. The international community should encourage the growth of Congolese organizations of civil society and provide aid in key areas such as health and education through nongovernmental organizations, but condition its other non-humanitarian aid on full compliance and cooperation with the United Nations Secretary-General's Investigative Mission and respect for international human rights norms. International support for national institutions of justice should be an urgent priority once the Congolese government has fully cooperated with the U.N. Investigative Mission.

II. RECOMMENDATIONS

To the Government of the Democratic Republic of Congo

- Suspend and investigate members of the ADFL suspected of involvement in civilian massacres and other violations of humanitarian law, and hold individuals accountable for such abuses; members of the ADFL who obstructed humanitarian assistance to civilian populations should be subject to investigation, and prosecution where appropriate. ADFL officers and troops under investigation should be suspended from positions of authority for the duration of the investigation.
- Publicly denounce deliberate killings of civilians in Congo by all parties, including foreign military from Rwanda and other neighboring states, during the seven-month war that brought the ADFL to power, as well as ongoing killings. Insist that those responsible are immediately withdrawn from the field and subject to investigation, and prosecution where appropriate, either in Congo or their home country.
- Protect refugees, internally displaced, and other civilian populations from abuses committed by members of the former Rwandan Army (the ex-FAR, Forces Armées Rwandaises), Interahamwe and other armed militia, and FAZ; in doing so, respect international humanitarian law and take all possible measures to limit civilian and refugee casualties during military operations.
- Cooperate fully with the International Criminal Tribunal in Arusha in bringing those responsible for the 1994 Rwanda genocide to justice.
- Allow the United Nations Secretary-General's Investigative Mission unhampered access to all regions of Congo and ensure its security and independence in accordance with its mandate. Instruct members of the ADFL and other military forces present in Congo to cease the destruction of evidence of civilian massacres and other abuses. Encourage the Congolese population and ADFL military to cooperate with the U.N. mission and ensure the protection of those who provide information.
- Cease its intimidation campaign against potential witnesses of civilian massacres. Investigate human rights abuses committed by ADFL or other military forces on Congolese territory against individuals suspected of collaboration with the U.N. Investigative Mission.
- Guarantee the protection and assistance of refugees on Congolese territory in accordance with international standards, including the right to non-refoulement. Create the conditions necessary for the United Nations High Commissioner for Refugees (UNHCR) to provide assistance and protection to refugees remaining in Congo.
- Support the work of Congolese organizations of civil society, especially those involved in the protection and promotion of human rights.
- Establish national institutions to promote the rule of law and respect for human rights, in particular an independent judiciary and a permanent human rights commission.
- Initiate training programs in basic principles of human rights and international humanitarian law for members of the police, army, and judiciary.

To the Government of Rwanda

- Withdraw, suspend from active duty, and investigate Rwandan military suspected of being involved in civilian massacres in Congo, and hold individuals accountable for such abuses; members of the RPA who obstructed humanitarian assistance to civilian populations should be subject to investigation, and prosecution where appropriate.

- Assist the U.N. Investigative Mission in Congo in fulfilling its mission by publicly disclosing the names of officers and Rwandan units deployed in Congo from September 1996 up to the present, as well as all other information relevant to their mandate.
- Denounce deliberate killings of civilian refugees and Congolese civilians during the war that brought the ADFL to power and up to the present.
- Protect and assist refugees upon repatriation to Rwanda. Cooperate fully with the UNHCR in its efforts to protect and assist refugees, in particular by providing access to recent returnees.

To all Members of the International Community, including the United Nations, the European Union and its member states, the United States, and the Organization of African Unity

- Insist that accountability for human rights abuses in Congo and Rwanda not be sacrificed for economic or diplomatic reasons. Members of the ex-FAR and Interahamwe militia, as well as individuals from the ADFL, RPA, and other militaries or mercenaries responsible for massive civilian killings in Rwanda or in Congo should not be granted impunity
- Consider extending the mandate of the International Criminal Tribunal in Arusha to include jurisdiction over war crimes and crimes against humanity committed during the war in Congo.
- Make assistance for the Congolese judiciary an urgent priority once the government of Congo fully complies and cooperates with the U.N. Investigative Mission. Insist on the development of the judiciary as an independent institution. Assist the Congolese government in the establishment of other national institutions that will help to promote the rule of law, such as a permanent human rights commission, once full cooperation with the U.N. team takes place.
- Provide immediate aid to the Congolese population via nongovernmental channels for humanitarian relief. Condition the convening of any donor meetings and the granting of non-humanitarian aid, particularly balance of payments support, on full compliance and cooperation with the U.N. Secretary-General's Investigative Mission and respect for human rights. The European Union should lift the suspension of development aid to Congo, as outlined in the Lomé Convention, only upon full compliance and cooperation with the U.N. Secretary-General's Investigative Mission.
- Support Congolese organizations of civil society in their efforts to promote and protect human rights. Encourage the Congolese government to foster the growth of and consult with such organizations.
- Make sufficient human and financial resources available to the UNHCR to enable a process of individual determination of refugee status for Rwandans, Burundians, and other refugees in the subregion. Protection, assistance, and the right to asylum should be provided to those who qualify by the states of the Great Lakes region as well as the international community.
- Assure that ex-FAR, Interahamwe militia, and others implicated in the 1994 genocide in Rwanda, as well as these forces and Mobutu's FAZ who have committed war crimes and other humanitarian law violations under the Mobutu government or since the ADFL took power, are pursued wherever they may be and brought to justice.
- The United Nations should continue its human rights investigation in Congo regardless of whether the Kabila government cooperates with the investigation. If access to Congolese territory is impossible, the U.N. should continue the investigation based on sources available outside the country. The U.N. team should also investigate the various levels of responsibility for the crisis, including the failure of the international community to remove armed elements from the camps in eastern Zaire and in permitting them to prepare new combat against Rwanda.

Specific recommendations to the U.S. government

- Publicly acknowledge and denounce deliberate killings of civilians in Congo by the members ADFL, troops of the Rwandan Patriotic Army (RPA) and members of other foreign militaries allied with the ADFL, and release all information available regarding these atrocities.
- U.S. Department of Defense and other government agencies should fully disclose the nature of all present and past involvement in training, tactical support, field assistance, or arms shipments to Rwanda or Congo for use by the ADFL or Rwandan, Ugandan or other forces operating in the Democratic Republic of Congo.
- Conduct investigations to determine whether any of the military involved in civilian massacres or other gross violations of international humanitarian law have received training from the U.S. armed forces or other U.S. agencies, either in the region or in the U.S. Make public the identities of any such military and insist on their prosecution where appropriate.
- Immediately suspend any tactical support, field assistance, or arms shipments to Rwanda. The U.S. should conduct a thorough evaluation of the efficacy of U.S. military training to Rwanda in the areas of international humanitarian law, military justice, and other areas pertaining to the respect of human rights. The U.S. should make public its findings of this investigation.

III. BACKGROUND

The Origin of the Refugees

In April 1994, Hutu extremists used the military, administrative and political structures of Rwanda to carry out a genocide against the minority Tutsi and to kill moderate Hutu who were seen as Tutsi collaborators. Soldiers of the Rwandan Armed Forces (FAR) and members of militia groups known as the Interahamwe took the lead in slaughtering more than 500,000 people.³

In July 1994, the Rwandan Patriotic Front (RPF), a predominantly Tutsi movement, overthrew the genocidal government, against which it had waged war since 1991. Some two million Rwandans then fled to surrounding countries, some because they feared retribution from the RPF, some because they were ordered to follow government leaders into exile. The estimated 1.1 million who ended up in Zaire included both refugees as well as others who were implicated in crimes against humanity in their home country and remained armed, planning to continue the genocide—and their war against the RPF—from adjacent countries. This mixed population settled in camps, the great majority in Zaire and the next largest number in Tanzania, where they were nourished at the expense of the international community. Human rights organizations like Human Rights Watch and the International Federation of Human Rights (FIDH), humanitarian agencies, including the United Nations High Commissioner for Refugees (UNHCR), and the Rwandan government repeatedly demanded international intervention to separate the refugees, many of them women and children, from the armed elements, former soldiers (ex-FAR) and militia members. Although the U.N. prepared plans for such action, the Security Council rejected them as too expensive and perhaps unworkable.

Administrative officials and military and political leaders responsible for the genocide controlled the camps and with the ex-FAR and militia intimidated many refugees into staying in the camps instead of returning home.

³Interahamwe were a militia organized by former Rwandan President Juvenal Habyarimana's political party. During the genocide in Rwanda, the militia were transformed into bands of killers.

Within Rwanda, human rights abuses, particularly killings by soldiers, massive arrests without regard to due process, and the paralysis of the judicial system also discouraged refugees from returning.

Beginning almost immediately after settling in the enormous border-area camps, the ex-FAR and militia reorganized, trained new recruits and bought new arms from abroad.⁴ As their incursions into Rwanda increased in number and impact, the government of Rwanda signaled that it would act on its own to end the threat from the camps in Zaire if the international community failed to intervene. In the face of stepped-up infiltration in 1996, a rash of killings of civilians in border areas, and apparently aware of preparations for an invasion, Rwandan leader General Paul Kagame again alerted leaders of the U.S. and perhaps other countries that Rwanda would act if conditions did not change.

Banyarwanda and Banyamulenge

Before the massive influx of Rwandans in 1994, about half of the 3 million people of North-Kivu, in the former Zaire's extreme northeast, were speakers of Kinyarwanda, the language of Rwanda. Known collectively as Banyarwanda, they included about four times as many Hutu as Tutsi.⁵ Some had been present before the drawing of colonial boundaries, while others had migrated from Rwanda for economic reasons or as political refugees during the twentieth century, many with official encouragement from the Belgian authorities in the 1930s. In some areas, such as Masisi, the Banyarwanda comprised a large majority of the population.⁶

Of the Banyarwanda in South-Kivu, a group of pastorals on the Itombwe plateau, principally near Mulenge, became known, at least to themselves, as the Banyamulenge (the people of Mulenge hill or forest) during the rebellions against Mobutu in 1964. Most of the Banyamulenge are descendants of Rwandans who fled political repression and population pressure in Rwanda during the 18th and 19th centuries;⁷ other Banyarwanda immigrated to the area in more recent times, some fleeing oppression in Rwanda in 1959. Many Banyamulenge came under threat from the rebel forces led by Kabila and others in the 1964 uprisings and sought protection from the Mobutu regime in Kinshasa, while others sided with the rebellion. The term Banyamulenge came to be used widely in Congo to refer to ethnic Tutsi Congolese in general from mid-1996.

The Citizenship Question

The right to Zairian citizenship, recognized for Banyamulenge and Banyarwanda by earlier laws and constitutions, was limited in 1981 to those people who could prove that their ancestors lived in Zaire before 1885. But the 1981 law was not actively enforced and identity cards of Kinyarwanda-speakers were not revoked. Politicians who feared the number of votes represented by Kinyarwanda-speakers in proposed elections stirred up feelings against them among people of neighboring ethnic groups. At the time of the National Conference in 1991,⁸ Celestin

⁴See Human Rights Watch/Arms Project, "Rearming with Impunity," A Human Rights Watch Short Report. (New York: May 1995) vol. 7, no. 4.

⁵Mgr. Ngabu, "Situation qui prévaut dans le diocèse autour des massacres dans les zones de Walikale et Masisi," May 11, 1993. Cited in Aloys Tegera, "La réconciliation communautaire: Le cas des massacres au Nord Kivu," in André Guichoua, ed., *Les Crises politiques au Burundi et au Rwanda* (Lille: Université des Sciences et Technologies de Lille, 1995), p. 399.

⁶For a more detailed discussion of the origins of the Banyarwanda, see Human Rights Watch/FIDH, "Forced to Flee: Violence against the Tutsi in Zaire," A Human Rights Watch Short Report, vol. 8, no. 2(A), July 1996.

⁷David Newbury, "Irredentist Rwanda: Ethnic and Territorial Frontiers in Central Africa," *Africa Today*, vol. 44, no. 2, 1997.

⁸The National Sovereign Conference was a meeting of all sectors of Zairian society that set the framework for the transition to democracy in Zaire.

Anzuluni, a Bembe from South-Kivu, led a move to exclude the Banyamulenge, claiming they were not Zairians but Rwandan immigrants.⁹ Banyarwanda from North-Kivu were similarly to be excluded. After this, leaders of other ethnic groups increasingly challenged the rights of Banyamulenge and Banyarwanda generally to Zairian citizenship.

Violence Against Speakers of Kinyarwanda

In 1993, Hunde, Nande, and Nyanga civilian militia known as Mai-Mai and Bangilima, encouraged by government officials and sometimes supported by the Zairian military, attacked Hutu and Tutsi communities in North-Kivu, killing thousands and displacing some 300,000.¹⁰ The arrival in Eastern Zaire of the enormous number of Rwandans in flight in 1994 exacerbated tensions between previously resident Kinyarwanda-speakers and other ethnic groups. The Interahamwe militia and many of the former military and civilian authorities of Rwanda encouraged hatred of Tutsi among adjacent populations. Local ethnic groups which had once viewed Hutu and Tutsi as a common enemy sided increasingly with Hutu, both refugees and local residents, in attacking Tutsi, who were sometimes branded as loyal to the new government of Rwanda. In South-Kivu, Bembe and Rega, encouraged by comments by regional politicians, began to organize militia, following the model of the Interahamwe of Rwanda and the Mai-Mai and Bangilima of North-Kivu.¹¹

Feeling increasingly threatened by harassment and arrests and talk of expulsion,¹² numbers of Banyamulenge young men went to Rwanda where they joined or were trained by the Rwandan Patriotic Army (RPA), which also supplied them with weapons. In South-Kivu, others organized their own militia and bought arms during 1995. According to one witness, "The Banyamulenge [even] bought rifles from the Interahamwe [in the refugee camps]. . . . With the crisis in Zaire, the Interahamwe sold their guns."¹³

In early 1996 Interahamwe, Mai-Mai, and Bangilima killed hundreds of Tutsi and drove more than 18,000 from North-Kivu into exile in Rwanda and Uganda.¹⁴

The Banyamulenge Revolt

In August 1996, Zairian authorities banned MILIMA, a development and human rights nongovernmental (NGO) working among the Banyamulenge, and arrested several prominent Banyamulenge. In early September Zairian authorities said Banyamulenge should leave the country, an order formalized on October 7 by the deputy governor of South-Kivu, Lwasi Ngabo Lwabanji, who ordered all Banyamulenge to leave Zaire within a week.¹⁵

⁹J. Bruno Kadima Abuika, "Large complot ourdi contre le Congo-Kinshasa dans sa partie Est," *Umoja*, February 26, 1996; Human Rights Watch/FIDH interview with Jonas, a Munyamulenge, in Butare, January 10, 1996.

¹⁰United States Committee on Refugees, "Inducing the Deluge," July 1993.

¹¹Originaires des Zones de Fizi, Mwenga et Uvira, "Droit de réponse au Mémoire du 05/10/95 des immigrants rwandais sous le pseudonyme 'Banyamulenge,'" letter to Minister of the Interior, November 4, 1995.

¹²Heritiers de la Justice, "Vue synoptique des violations des droits de l'homme au sud-kivu en 1995, Bukavu, December 10, 1995; Human Rights Watch/FIDH interview with Jonas, a Munyamulenge, in Butare, January 10, 1996.

¹³Human Rights Watch/FIDH interview at Bugarama Transit Camp, Cyangugu, November 4, 1996.

¹⁴See Human Rights Watch/FIDH, "Forced to Flee: Violence against the Tutsi in Zaire"

¹⁵Sam Ngoza, "Zaire's People of Tutsi Origin Say 'Enough is Enough,'" All Africa Press Service, November 12, 1996; "Crisis Grips Central Africa," *The Jakarta Post*, December 23, 1996.

In early September, Bembe militia, supported by FAZ soldiers, began attacking Banyamulenge villages, killing and raping, and forcing survivors to flee. The Banyamulenge, joined by other groups, rose up against the Zairian government. They later formed a coalition, the Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFL), and chose Laurent-Desiré Kabila as spokesman, a post he later transformed into president of the movement. Rwandan, Ugandan and later Angolan troops supported the ADFL and quickly overran the demoralized and poorly disciplined Zairian Armed Forces (FAZ).¹⁶ After a rapid advance from east to west, during which he was generally hailed as a liberator, Kabila proclaimed himself head of the newly declared Democratic Republic of Congo on May 18, 1997.

Attacks on the Camps

As the ADFL forces and their allies began combat against the FAZ they simultaneously attacked the camps sheltering the Rwandans, breaking the control of the former administrative and military authorities. In some camps, the ex-FAR and militia retreated quickly, sometimes after briefly resisting the ADFL advance. The majority of people in the camps, perhaps 600,000 of the 1.1 million estimated to have been in residence in October 1996, returned to Rwanda in November. Of those who returned, many went voluntarily, while others were forced back by the ADFL, fearful of the conditions in Rwanda. A number estimated in the thousands died in the first weeks of the attacks on the camps, caught in crossfire between the ADFL and elements of the ex-FAR, militia and FAZ; killed by the former camp authorities in an effort to prevent their return to Rwanda or to force them to accompany the ex-FAR and militia on their retreat westward; or killed by ADFL and RPA troops. Hundreds of thousands of Rwandans fled westward, some in relatively organized caravans, others in scattered small groups. Tens of thousands of these were armed elements, but the rest were unarmed civilians, many of them women and children.

Many of the civilians who fled to the west were attacked again, some of them repeatedly as they sought safety. In a few cases, ex-FAR and militia used the refugees as human shields or even injured and killed them. But in the vast majority of instances, it was clearly ADFL soldiers and their foreign allies who slaughtered the refugees. In addition, untold thousands died of hunger or disease because ADFL and Zairian authorities denied humanitarian agencies permission to enter their zones to deliver assistance or because the security conditions prevented them from doing their work. Some humanitarian workers testified that ADFL soldiers accompanied them, supposedly to facilitate their work but really to find out where refugees were hidden in order to return later to eliminate them.

The UNHCR states that it helped an additional 234,000 Rwandans return to Rwanda between December 1996 and June 1997 and that it had located an additional 52,600 Rwandans, about half of them in Congo and the other half dispersed in the Central African Republic, Congo (Brazzaville) and Angola by July 1997. According to the refugee agency's figures, an estimated 213,000 Rwandans remain unaccounted for, either dead in the period of violence or hidden in the forests or among the people of Congo.¹⁷

Controversy continues about the exact number of refugees who perished during the conflict due to massacres, malnutrition, or disease. Kabila's government has effectively denied the U.N. Secretary-General's Investigative Team and other diplomatic missions or human rights organizations access to reported massacre sites and thus has made assessment of the casualties impossible.

¹⁶For details of human rights abuses in the early days of the war, see Human Rights Watch/FIDH, "Forced to Flee: Violence Against the Tutsis in Zaire"; Human Rights Watch/Africa & Fédération Internationale des Ligues des Droits de l'Homme, "Attacked By All Sides," Civilians and the War in Eastern Zaire," A Human Rights Watch Short Report, vol. 9, no. 1(A), March 1997; Human Rights Watch/Africa, "Transition, War and Human Rights," A Human Rights Watch Short Report, vol. 9, no. 2(A), April 1997.

¹⁷UNHCR public information fact sheet, July 2, 1997.

The Laws Violated

All parties to the war in Congo, whether rebel or governmental, are bound by international humanitarian law to respect basic norms concerning victims of armed conflict. In particular, regardless of whether a government or an insurgent group, all sides are obliged to apply common Article 3 of the Geneva Conventions of 1949:

In case of an armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of the armed forces who had laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall be in all circumstances treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

Furthermore, all parties to the conflict in Congo should respect the principles of U.N. General Assembly Resolution 2444, which recognizes the customary law principle obliging all factions of an armed conflict at all times to treat civilians distinctly from combatants. It states that,

the following principles for observance by all government and other authorities responsible for action in armed conflicts:

- (a) That the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited;
- (b) That it is prohibited to launch attacks against the civilian populations as such;
- (c) That distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as much as possible.

While the above principles apply to all parties to the war in Congo, additional bodies of international humanitarian and human rights law place further obligations on certain parties to the conflict, notably the government of the former Zaire, the ADFL authorities who succeeded to the international obligations of the former government, the government of Rwanda and other governmental allies of the ADFL.¹⁸

¹⁸Notably, the former Zaire had ratified, among other treaties, the four Geneva Conventions of 1949 and Protocol I Additional to the Geneva Conventions. The ADFL government of Congo succeeded to these obligations on May 17, 1997 when it ousted the Zairian authorities. The Rwandan government has also ratified, among other treaties, the four Geneva Conventions of 1949 and Protocols 1 and 2 Additional to the Geneva Conventions.

IV. OVERVIEW OF CIVILIAN KILLINGS FROM OCTOBER 1996 TO AUGUST 1997

The seven-month war between the Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFL) and the Zairian Armed Forces (FAZ) was accompanied by gross violations of human rights and international humanitarian law. Killings of both Congolese civilians and refugees continued at the time of this writing. This overview summarizes the general trends of killings in Congo from the outbreak of the war in October 1996 through August 1997.

Most of the killings and other abuses from October 1996 between August 1997 were committed by individuals belonging to three distinct groups: former President Mobutu's FAZ and mercenaries; the former Rwandan Armed Forces (ex-FAR) and militia from the camps; and the ADFL, consisting of both Kabila's troops and military from several neighboring states, including Rwandan, Uganda, Angola, and Burundi. Other armed militia have also reportedly attacked civilians, particularly in recent months in eastern Congo.

The nature and scale of the killings and other violations committed by each of these groups differed significantly.

Human Rights Abuses by the FAZ

Throughout the war that led to the ousting of Mobutu, the Congolese population, refugees, and foreign nationals in Congo were witness to numerous violations of international humanitarian law and other abuses committed by the notoriously ill-trained and poorly supported FAZ. Mobutu's forces perpetrated abuses to sustain their fighting with and retreat from the ADFL, to enrich themselves, and to settle old scores with opponents of the Mobutu regime. These acts included widespread theft, rape, various acts of revenge, destruction of infrastructure, destruction of private and public property, and killings of civilians.

In September 1996 the FAZ, indigenous militia from South-Kivu, and armed elements from the refugee camps carried out attacks against Banyamulenge and other ethnic Tutsi in South-Kivu, resulting in numerous civilian deaths and incidents of rape.¹⁹ This followed a period of several months of intensifying intimidation of Tutsi by military and civilian authorities throughout the country, as authorities claimed that Rwanda and Burundi were arming the Banyamulenge.

Throughout the war, the FAZ exercised a blatant disregard for international humanitarian law. Before fleeing the city of Kindu in February of 1997, the FAZ looted the Kindu General Hospital, depriving patients of medical care and stealing basic medical supplies and equipment including medicine and mattresses in use by patients.²⁰ In mid-February 1997, the FAZ, in collaboration with Serb and other mercenaries, bombarded several cities in eastern Zaire, including Bukavu, Shabunda, and Walikale, resulting in dozens of civilian deaths and injuries.²¹ In early May of 1997, indiscriminate bombardment by the FAZ of the city of Kenge, 180 kilometers east of Kinshasa, resulted in the deaths of approximately 200 civilians, according to the Congolese Red Cross.

With insufficient logistical support from Kinshasa for their military campaign against the ADFL, the FAZ resorted to widespread theft and appropriation. Individual soldiers also looted for their own personal gain and then abandoned their units with no intention of returning to military service. In November 1996 United Nations officials in North-Kivu reported several hundred vehicles lost to looters, predominantly members of the FAZ who had fled

¹⁹Human Rights Watch/Africa, "Zaire: Transition, War and Human Rights."

²⁰Human Rights Watch/FIDH interview with nongovernmental organizations working in Kindu, Kinshasa, March 1997.

²¹See Human Rights Watch/Africa, "Zaire: Transition, War and Human Rights."

the cities of Uvira, Bukavu and Goma.²² The FAZ developed a pattern of looting just prior to their retreat from cities throughout the country, earning them the title of *pillards-fouillards* (fleeing looters).

Some abuses committed by the FAZ from September 1996 to May 1997 were acts of revenge against long-standing opponents of the Mobutu regime. While elements of the FAZ frequently participated in indiscriminate rape, beatings, and other cruel, degrading, and inhumane treatment during their retreat, church leaders, members of the political opposition, and leaders of civil society were often singled out for abuse. Churches that lay in the path, or within striking range, of the retreating FAZ were frequently looted by the FAZ; several were intentionally burned.²³ Refugees consistently accused the FAZ of acts of raping and killing refugees, as well as forcing them to assist the FAZ as laborers.²⁴

Looting of public and private property, and the destruction of local infrastructure continue to affect the Congolese population today. Many state institutions under the Mobutu regime were in a state of advanced decay, leaving churches and nongovernmental organizations often as sole providers in key sectors such as health and education. This destruction of property and services belonging to churches and nongovernmental organizations deprived the Congolese population to many basic rights including access to health care and education.

Human Rights Abuses by the ex-FAR and Interahamwe Militia

Abuses committed by the ex-FAR and Interahamwe militia after their flight from the camps of the border area were largely related to strengthening their forces for combat with the ADFL, their retreat, or simply their survival. Throughout their flight across Congo, ex-FAR and Interahamwe intimidated civilian refugees to discourage them from returning to Rwanda, as they had done since the establishment of the refugee camps in 1994. Ex-FAR and militia participated in sporadic killings of Congolese civilians and some refugees.

The ex-FAR, Interahamwe, and civilian refugees participated in widespread theft to sustain themselves. In addition to theft by these former military or armed militia, the presence of tens of thousands of fleeing civilian refugees had a profound impact on Congolese civilian communities. Schools, public buildings, and homes were used for shelter, health centers were emptied of their medical supplies, and crops were looted and destroyed as refugees passed through Congolese cities and villages. The massive loss of property and destruction of infrastructure contributed to the decline of economic activity as well as numerous deficiencies in public services—problems that persist today.

According to corroborated testimony, ex-FAR and armed militia were responsible for at least one large-scale killing of Congolese civilians during their trek across Congo.²⁵ On or about November 6, 1996, ex-FAR and Interahamwe attacked a convoy of trucks near Burungu, North-Kivu, resulting in the deaths of hundreds of civilians, according to survivors. Congolese from villages in Equateur, Haut-Congo, and North-Kivu told Human Rights Watch/FIDH of sporadic killings of their neighbors by armed Rwandans when food or supplies were withheld or were insufficient.

Other reports describe ex-FAR or armed militia intimidating and at times shooting at civilian refugee populations in attempts to direct their movements throughout their flight from the ADFL. One U.N. official described testimony from civilian refugees with machete wounds near Mbandaka who claimed that the ex-FAR had

²²Human Rights Watch/FIDH interview, U.N. official, Goma, November, 1997.

²³Human Rights Watch/FIDH interview with officials from the Catholic church, Kinshasa, April, 1997.

²⁴Human Rights Watch/FIDH interview with Rwandan refugees in Loukolela refugee camp, Congo-Brazzaville, August 9, 1997.

²⁵Human Rights Watch/FIDH interviews in Goma, Congo and Nairobi, Kenya, July and August 1997.

attacked them, complaining that the civilian refugees had become a burden.²⁶ UNHCR officials in refugee camps as far west as Congo-Brazzaville stated that intimidation of refugees wishing to return to Rwanda continued in some areas at least until July 1997.²⁷

The presence of ex-FAR and Interahamwe militia in several provinces of Congo remained a security threat as of this writing in September 1997. In the east, ex-FAR and militia have carried out attacks on civilian populations, primarily Tutsi, and continue to use North-Kivu as a rear base for incursions into Rwanda. In the central and western provinces of Congo, some internally displaced villagers still refuse to return to their homes, fearful of theft and violence by ex-FAR, or concerned that attempts by the ADFL to track down and eliminate both refugees and the armed exiles will create security problems for themselves.

Human Rights Abuses Committed by the ADFL

The human rights abuses and violations of international humanitarian law committed by the ADFL and its allies are remarkably different in their scale, nature and motivation from abuses perpetrated in Congo by the FAZ and ex-FAR. From the beginning of the war up to the present, ADFL troops or their allies, in particular those of Rwandan or of ethnic Tutsi origin, have carried out large-scale killings of civilians, predominantly refugees as well as some Congolese. In addition, the intentional blocking of humanitarian assistance to civilian refugees by ADFL troops is likely to have resulted in thousands of additional deaths.

These killings and the intentional blocking of aid were apparently both in revenge for the 1994 genocide in which Tutsi and moderate Hutu were systematically massacred by ex-FAR and Interahamwe as well as an attempt to weaken their military organization in Congo and their support base of civilian refugees. From mid-1994 up to their dispersal, armed elements in the camps in eastern Congo benefited from aid destined for the civilian refugee population and used the camps as a rear base for incursions into Rwanda.

The presence of Rwandan troops on Congolese territory was confirmed by Rwandan Vice-President Paul Kagame during an early July interview with the *Washington Post*²⁸ and again on September 9, 1997 when Kabila publicly thanked Rwanda for its help during the war on an official visit to Kigali.²⁹ Civilian refugees were often caught in areas of combat between these Rwandan forces and others backing the ADFL as they fought their FAZ and ex-FAR opponents. In addition to deaths due to crossfire, however, refugees describe numerous examples of indiscriminate attacks on refugee camps, including the use of mortars and heavy machine guns in the attacks on the Kibumba refugee camp in North-Kivu.^{30,31} These attacks on camps in eastern Congo marked the beginning of a series of attacks on refugees and temporary camps set up as refugees fled westward into the interior of Congo.

Other killings were more selective: numerous refugees reported being overtaken throughout their trek by military that they recognized as RPA.³² They described systematic triage of refugees carried out by these troops that resulted in young men, former military or militia, former members of government, and intellectuals being selected for execution. Women and children were often encouraged to return to Rwanda but were occasionally allowed to flee further into the forest. Refugees returning from eastern Congo to Rwanda during the first months of the war were

²⁶Human Rights Watch/FIDH telephone interview with former UNHCR official in Congo, September 23, 1997.

²⁷Human Rights Watch/FIDH interview with UNHCR officials, Loukolela refugee camp, Congo-Brazzaville, August 9, 1997.

²⁸John Pomfret, "Rwandans Led Revolt in Congo," *Washington Post*, July 9, 1997.

²⁹Integrated Regional Information Network, Update 245, September 10, 1997.

³⁰Human Rights Watch/FIDH interviews, Mugunga refugee camp, October 29, 1996 and Loukolela refugee camp, Congo-Brazzaville, August 9, 1997.

³¹See Human Rights Watch/Africa, "Zaire: Transition, War and Human Rights" (April 1997).

³²Human Rights Watch/FIDH interviews, Nairobi, Kenya, July 28, 1997, and Loukolela refugee camp, Congo-Brazzaville, August 8, 1997.

largely women, children, and elderly, who confirmed that male refugees among them had been taken away by the ADFL. As the refugees moved westward and into more remote areas, killings became more indiscriminate and women and children were more often included in massacres.

Testimonies taken in several provinces of Congo as well as in neighboring states concur that the perpetrators of most killings were from an ethnic Tutsi sub-group of ADFL troops, often described by Congolese as "Rwandan", "Ugandan", "Burundian", or "Banyamulenge." Numerous refugees described how, when overtaken by the ADFL or their allies during their flight, they had recognized and had conversations with members of the RPA who were from their home *communes* in Rwanda. Congolese villagers described numerous incidents in which refugees and members of the RPA recognized and spoke with one another in areas where massacres took place. Many commanding officers in areas where massacres took place, as well as troops under their command, were members of the RPA. Some stated that they had grown up in Rwanda, having left for studies or other reasons.³³

Languages spoken by perpetrators similarly indicates their origin as primarily Rwandan, eastern Congolese, or Ugandan.³⁴ Congolese, foreigners in Congo, and refugees consistently described the perpetrators of massacres in several regions or those blocking humanitarian access to refugees as Kinyarwanda speakers. Many witnesses noted the divisions among the ADFL, claiming that the troops of the ADFL who killed were often from Rwanda, some speaking only Kinyarwanda.³⁵

Others witnesses stated that the perpetrators spoke Kiswahili as well as Kinyarwanda, sometimes mixed with French or English. This indicates that some of the troops involved in killings were likely to have come from southern Uganda, as well as eastern Congo and Burundi. Many commanding officers and troops in areas where massacres took place were fluent English, Kinyarwanda, and Kiswahili speakers, characteristic of members of the Rwandan Patriotic Army (RPA) who invaded Rwanda from southern Uganda in 1990.

Certain military among the ADFL and especially the RPA appeared to be particularly motivated to kill refugees. Kinyarwanda and Kiswahili-speaking ADFL or Rwandan troops repeatedly demonstrated throughout the war a specific intent to hunt down and kill civilian refugees as well as armed exiles from Rwanda. Numerous residents of Mbandaka report that, upon the arrival of the ADFL on May 13, 1997, Kinyarwanda-speaking troops immediately asked "where are the refugees?" and proceeded to seek them out and begin killing.³⁶ Human Rights Watch/FIDH received similar reports from towns between Kisangani and Mbandaka, where the first order of business for the ADFL upon arrival in a village was to eliminate refugees.³⁷

Congolese development workers described an incident during the arrival of the ADFL in Mbandaka during which ADFL troops demanded that a resident shout in Lingala, the local language, to tell people in a crowd to quickly get down on the ground. Refugees in the crowd, who did not understand Lingala, remained standing and were subsequently singled out and fired upon by ADFL troops.³⁸

³³Human Rights Watch/FIDH interviews with church officials and humanitarian agents, Kinshasa and Goma, August 1997.

³⁴ Or possibly Burundian. Kirundi, the national language of Burundi, may be confused with Kinyarwanda by those not fluent in these languages.

³⁵Congolese in the Kivus also claimed that the Kiswahili spoken by perpetrators was the Kiswahili of Rwanda, easily distinguished from the Kiswahili of eastern Congo.

³⁶Human Rights Watch/FIDH interview, Kinshasa, August 5, 1997.

³⁷Human Rights Watch/FIDH interview, Equateur, August 17, 1997.

³⁸Human Rights Watch/FIDH interview in Kinshasa, August 5, 1997; Robert Block, "Congo Villagers Describe Horrific Killings of Refugees," *Wall Street Journal*, June 6, 1997.

At a barrier south of Kisangani in April of 1997, soldiers blocked a high-level diplomatic delegation from proceeding into an area where massacres had recently occurred. An aid worker described their attitude:³⁹

The governor spoke with the soldiers, trying to convince them to let us pass. The soldiers told the governor in Kiswahili, 'we haven't finished our work yet. Tell them to go. We are not afraid to kill them. If they go past us, we will shoot to kill. We know that if we kill one of them, they will go away and leave us alone.'

The delegation could clearly hear the sound of heavy road machinery working nearby where refugees had been massacred in previous days.

The *Wall Street Journal* reported that the ADFL soldiers in Mbandaka had said that more important than fighting Mobutu's soldiers was the elimination of refugees.⁴⁰ To the contrary, non-Tutsi ADFL troops told Congolese in areas where massacres had taken place that the killing of refugees was not their business;⁴¹ one Katangese general stated in a private conversation that he had nothing to do with refugee affairs.⁴²

Other humanitarian organizations operating in eastern and central Congo expressed their frustration from having been manipulated by the ADFL in what they described as "bait and kill" operations. While attempting to locate and set up assistance stations for refugees dispersed in the forest, agencies claimed that they were required to be accompanied by an ADFL "facilitator." According to their reports, after refugees had been located and put in groups to facilitate humanitarian assistance, access would be cut off to the refugees by ADFL military. Typically, after several days of no assistance, humanitarian groups would find the refugees had disappeared or been dispersed. Humanitarian agencies claimed that the "facilitators" would inform ADFL military of concentrations of refugees to expedite their killings.⁴³

At least one agency ceased providing services to refugees in certain areas in protest of this practice by the ADFL, estimating that fewer refugees would die from a lack of humanitarian assistance than would die if their work continued to serve as an orientation tool for ADFL military seeking out refugees.⁴⁴

V. WHAT KABILA HAS TO HIDE: A CASE STUDY

Human Rights Watch/FIDH visited three villages along an eighty-kilometer length of road, one of the principal routes followed by Rwandan and Burundian refugees who fled the camps in eastern Congo in October and November of 1996. This same stretch of road was traveled by the FAZ, ex-FAR, and refugees, and finally by the ADFL.

Human Rights Watch/FIDH spent several days along this road, interviewing villagers and community leaders who had witnessed killings or other human rights violations or participated in burials. Civilian refugees who had survived the trek through this area were interviewed in Congo-Brazzaville and gave accounts that corroborated with those of the Congolese witnesses.

³⁹Human Rights Watch/FIDH interview with aid worker in North-Kivu, August 27, 1997.

⁴⁰Robert Block "Congolese Villagers Describe Horrific Killings of Refugees," the *Wall Street Journal*, June 6, 1997.

⁴¹Human Rights Watch/FIDH interview with Congolese from Mbandaka, Kinshasa, August 5, 1997.

⁴²Human Rights Watch/FIDH interview with resident of Mbandaka, August 19, 1997.

⁴³Human Rights Watch/FIDH interviews with several humanitarian organizations, Nairobi, July 1997.

⁴⁴Human Rights Watch/FIDH interview with aid organization, Kinshasa, August 1997.

Several mass graves and execution sites were visited. Most of the killings occurred during a three-day period during which front-line ADFL troops advanced through this area, overtaking and killing civilian refugees with knives, machetes, and bayonets. The three-day period is described below.

Humanitarian law violations committed by the FAZ and the ex-FAR along this same length of road are also described below.

The three villages visited by Human Rights Watch/FIDH in August are like many others in the region. The exact locations and names of these villages may not be disclosed, and the names of witnesses have been changed due to their clearly stated fear of reprisal by Rwandan or Kinyarwanda-speaking elements of the ADFL (see Intimidation of Witnesses section below). The real names of the villages and the sources used by Human Rights Watch/FIDH have been submitted to the U.N. Secretary-General's Investigative Team for further investigation.

In addition to those mentioned below, many others killings by the ADFL are likely to have occurred over the same eighty-kilometer length of road over the same three-day period. As noted below, villagers were reluctant to give information regarding the killings by the ADFL due to fear of reprisals. Over the several days that Human Rights Watch/FIDH visited the area, villagers came forward with progressively more information, sometimes revealing execution sites of mass graves that had been "forgotten" the previous day. Villagers spoke openly and apparently without fear of reprisal about the violations committed by the FAZ or ex-FAR.

Human Rights Abuses Committed by the FAZ

The FAZ arrived in the first village in small groups over a period of approximately three weeks. The first group of about seventy-five arrived in approximately eight vehicles, reportedly stolen en route, and consisted of many officers, including at least one colonel. The FAZ continued to arrive and depart progressively up until just prior to the arrival of the ADFL. No combat occurred in the area.⁴⁵

In the area near the villages, measures taken by state authorities and traditional chiefs appear to have resulted in far fewer human rights abuses committed by the FAZ, as compared to other villages and cities in their path of retreat (see above). Local authorities in the first village, warned of the imminent arrival of the FAZ, instructed the local population to make cash and in-kind donations for the fleeing soldiers. Upon arrival, local chiefs and administrators presented the FAZ with abundant food and supplies, preventing widespread looting, according to those in the first village. Numerous residents of the village praised the measures taken by the local authorities and claimed that the FAZ created few problems.

The FAZ arrived first in about ten vehicles with ten people per vehicle. Hearing of their arrival, most of the population had fled into the forest. They were welcomed by the population that remained in the village. The military were treated well, given food, materials, gas, and money. The military behaved.⁴⁶

It should be noted that the particular experience of villages in this area was an exception to the general pattern of human rights abuses committed by the FAZ during their retreat across Congo. Consistent testimonies from other regions depict acts of rape, killing, destruction, and looting perpetrated by the FAZ, as described above.

⁴⁵Human Rights Watch/FIDH interviews with villagers, U.N. officials, and aid workers in the area, August 1997.

⁴⁶Human Rights Watch/FIDH interview, first village, August 16, 1997.

Human Rights Abuses Committed by the Ex-FAR and Interahamwe Militia

Community leaders and villagers in the villages stated that local authorities attempted also to prepare for the arrival of the ex-FAR, Interahamwe militia, and refugees, as had been done with the FAZ. Villagers described the arrival of the ex-FAR and the refugees as initially calm:

The first group was of about 3,000. They came in four single columns, two on the outside with guns, some in uniform, two columns of refugees on the inside. The military elements among them were strong and healthy; the civilian population was weak, emaciated, and sick. The chief had prepared their welcome. He had given instruction to give them free medicine in hopes of getting reimbursed afterwards. They stayed one night.⁴⁷

With the arrival of more refugees the next day, the situation soon deteriorated. Employees of a major plantation in the area created a counting station near the first village where they recorded the passing of more than 9,000 refugees over the first three days. After that, they claimed they were too numerous to count. The flow continued over an eighteen-day period, ending with the arrival of the ADFL. UNHCR estimates that between 22,000 and 30,000 refugees traveled on this particular road between the villages, while thousands of others fled along different routes in the same area.

Abuses committed in the area by the ex-FAR and other armed exiles, presumed to be members of the Interahamwe militia, were largely related to foraging and pillaging to sustain themselves. These consisted primarily of theft, destruction, and violations of physical integrity, as well as some killings.

Many residents of the area claimed that refugees looted extensively along the main road between the villages as well as in peripheral villages. Villagers stated that ex-FAR in uniform or armed exiles would beat or kill people for food if they offered any resistance. Such allegations of killings or beatings were frequent but vague. Michel, a local humanitarian worker, described the impact of the refugees and ex-FAR in the first village:

Refugees looted extensively for food and materials. The local population fled into the forest. Refugees killed Congolese. I heard of one person killed twenty-two kilometers from here. I heard that two others were killed also.⁴⁸

Accounts of looting and threats by ex-FAR or other armed exiles were more detailed. At a local plantation, one employee described how ex-FAR in uniform looted his home and threatened to kill his wife.⁴⁹ Human Rights Watch/FIDH visited storehouses at the plantation that had been emptied by the ex-FAR and vehicles, now recovered, that had been stolen and extensively damaged by the ex-FAR.

The civilian refugee population, in a deplorable health and nutritional state, also had enormous impact on the population of the first village, numbering less than 4,000.⁵⁰ Civilian refugees stripped fields of their crops, used schools and houses abandoned by villagers for shelter, and overwhelmed local health centers. Residents of the first village claimed that the loss of material goods and damage to property was still having a profound impact on the local economy. Jean, an employee of the plantation explained the effects of the refugees:

The chief had done an impressive job of preparing food and assistance for their arrival, attempting to avoid looting. When the food supply became insufficient, the refugees looted. They threatened

⁴⁷Human Rights Watch/FIDH interview, first village, August 16, 1997.

⁴⁸Human Rights Watch/FIDH interview, first village, August 16, 1997.

⁴⁹Human Rights Watch/FIDH interview, first village, August 15, 1997.

⁵⁰According to local health authorities.

the local population for food, and they threatened a local doctor to give them all his medicine. If the food was insufficient, they killed.⁵¹

In August 1997, UNHCR reported estimates of several hundred civilian refugees in the surrounding area mixed with small numbers of ex-FAR.⁵² At this time, villagers were concerned about the presence of civilian refugees, ex-FAR and militia in the area due to both the immediate security threat presented by armed elements and the fear that the ADFL forces would return to hunt them down. Months after the passing of the bulk of the refugees, many local villagers still had not returned to their homes out of fear of further abuses by either of these groups.

Human Rights Abuses Committed by the ADFL

The violations committed by the ADFL in the area near the villages consisted primarily of widespread killings of civilian refugees. Refugee men, women, and children who were too weak or sick to flee were killed by the first units of the ADFL coming into contact with them. The killings in the villages and on the road between the villages were carried out over a three-day period as the ADFL troops advanced and overtook refugees. No combat took place in the area as the last of the ex-FAR, Interahamwe, and FAZ had left several days before the arrival of the ADFL.

In the Gondi area, killings were carried out almost exclusively with knives, machetes, or bayonets. Villagers hypothesized that this deliberate strategy of not using bullets was to avoid scaring off other refugees ahead on the road, to conserve ammunition, or to leave fewer traces of their killings.

The first three days of the ADFL presence in the villages are described below.

Day one: The ADFL troops arrived in the first village around 4:00 p.m.. Almost all the refugees had left at this point, except for a few too weak to continue. The first few hundred ADFL arrived on foot, eventually followed by commanders in vehicles. Villagers described most of the troops as "Rwandan" or "Kinyarwanda-speaking" and very well-armed. Two of their commanders spoke Kinyarwanda, English, and Kiswahili, while one was of Katangese origin.⁵³

A nurse in the first village watched the arrival of the ADFL:

The first ADFL arrived on foot in a group of around one hundred. Their vehicles came later. Upon arrival, they killed thirteen refugees, ten in the yard by the Catholic church and school, three over there by the crossroads. The refugees were killed with knives and machetes; they were the weak ones who were sick or malnourished. The soldiers who killed them spoke Kinyarwanda and French and told us the refugees were bad and should not be helped.⁵⁴

⁵¹Human Rights Watch/FIDH interview, first village, August 16, 1997.

⁵²Human Rights Watch/FIDH interview with UNHCR official, Congo, August 19, 1997.

⁵³Human Rights Watch/FIDH interview, first village, August 17, 1997.

⁵⁴Human Rights Watch/FIDH interview, first village, August 16, 1997



Figure 3 This skull was among many bones scattered around the bridge.

Day three: The front-line ADFL troops advanced twenty-two kilometers from the second village to the third village on their third day in the area.⁶¹ Human Rights Watch/FIDH saw and photographed the remains of at least thirty refugees along this segment of the road. Eyewitnesses to killings or villagers who had assisted in disinfecting sites accompanied Human Rights Watch/FIDH and explained the circumstances of some of the killings or described the nature of the wounds of the dead. The cause of death was at times not known; most often, however, the testimony of eyewitnesses describing how certain refugees were killed was corroborated with physical evidence on the site, such as smashed skulls or other physical trauma.

Witnesses from the area estimate that hundreds of refugees had been killed between the second and third villages alone, but that some cleanup had already taken place. A medical doctor with extensive experience in the area estimated that up to 1,700 people may have been killed between the second and third villages. Residents of the area were particularly reluctant to accompany Human Rights Watch/FIDH along this segment of road due to a fear of reprisal by the ADFL.

All bodies or bones photographed were in the road or within a few meters of the road, some in groups of up to eight, often near or in the remains of campfires. Many of the skulls contained holes or were fractured, suggesting blows with a heavy object. All bodies were in approximately the same state of very advanced decomposition or were skeletons. Many of the remains were clearly identifiable as women or children.⁶²

Human Rights Watch/FIDH was guided by individuals who had accompanied the ADFL troops or participated in clean-up activities. Jean-Pierre, who disinfected bodies in the area, described one site seven kilometers from the second village :

We disinfected bodies in this area for about a week. Right here, there were eight in all, where the refugees had been camped. Some of them are gone now; I think animals may have taken away some of the bones. The bodies all had knife wounds.

⁶¹Human Rights Watch/FIDH interview near the first village, August 18, 1997.

⁶²By size, remnants of clothing, and in some cases eyewitness testimony.

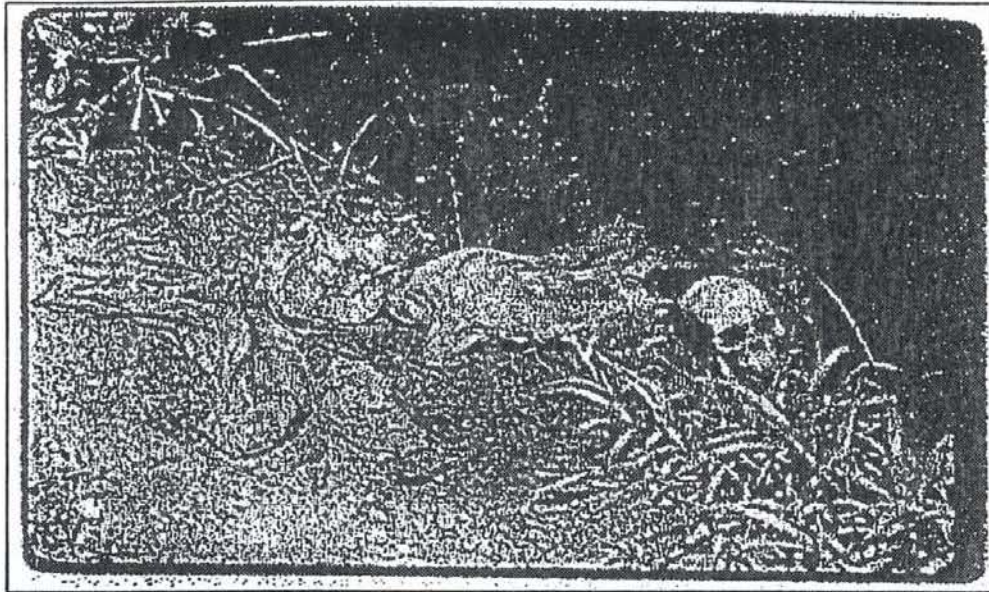


Figure 4 This refugee and at least seven others at this site were killed by ADFL troops as they fled across Congo.

Another witness, who had carried gasoline for the ADFL, accompanied Human Rights Watch/FIDH to a site approximately one kilometer from this area where a refugee boy preparing food by the roadside was killed.

He was preparing food when the ADFL arrived and killed him with a knife and a machete. They cut his neck first, and then smashed his skull here on the left side.⁶³

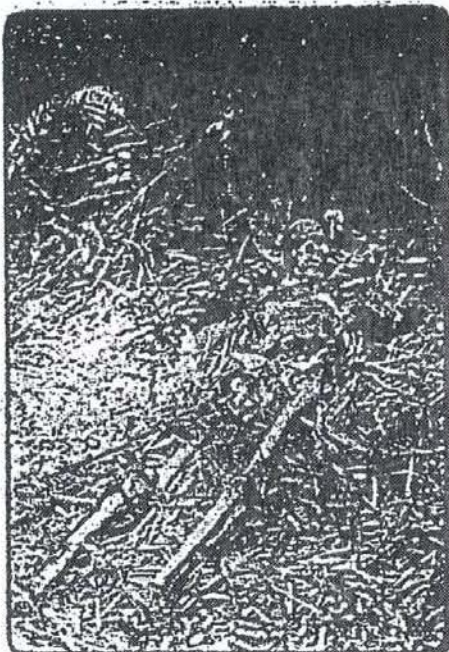


Figure 5 This refugee boy was preparing food at his makeshift campsite when ADFL troops killed him with a knife and a machete.

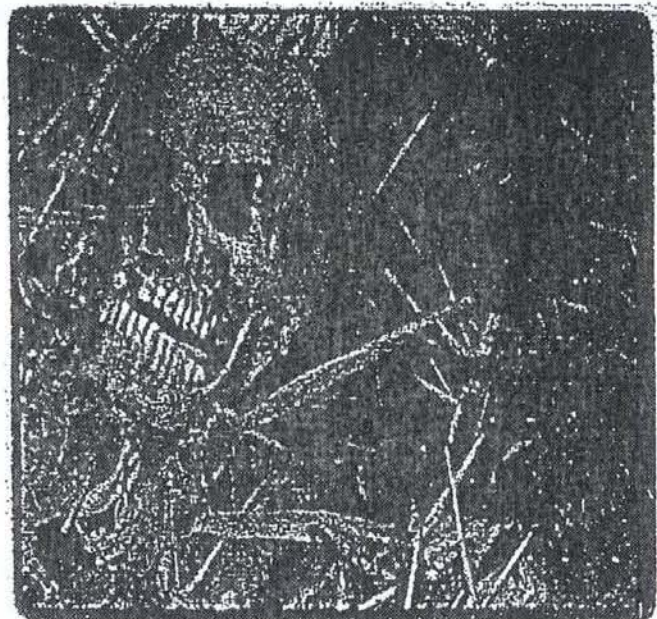


Figure 6 The blow from the machete left a fracture near the left temple.

⁶³Human Rights Watch/FIDH interview, road between second and third villages, August 18, 1997.

A photo taken by Human Rights Watch/FIDH of the site verifies a fracture to the left temple area of the skull. The skeleton of the boy lies in the remains of a campfire.

Seven kilometers further toward the third village lies a second bridge where Human Rights Watch/FIDH photographed the remains of six refugees. The skulls were partially smashed or contained holes and were in the vicinity of many campfires. One villager said he had accompanied a soldier whom he described as a Kinyarwanda-speaking colonel of the ADFL to the bridge shortly after the killings. He claimed that he had seen at least twenty-one bodies near the bridge but that many more had been thrown into the water.

We left [the first village] with a DAF truck and a motorcycle. We were in the second group with Colonel Cyiogo. There were many cadavers near the second bridge. At night, the ADFL would do calisthenics and would go out into the forest. They held many meetings during the day. I remember a group of eight, a group of twelve, and one alone, but there were many more that had been swept away in the water.

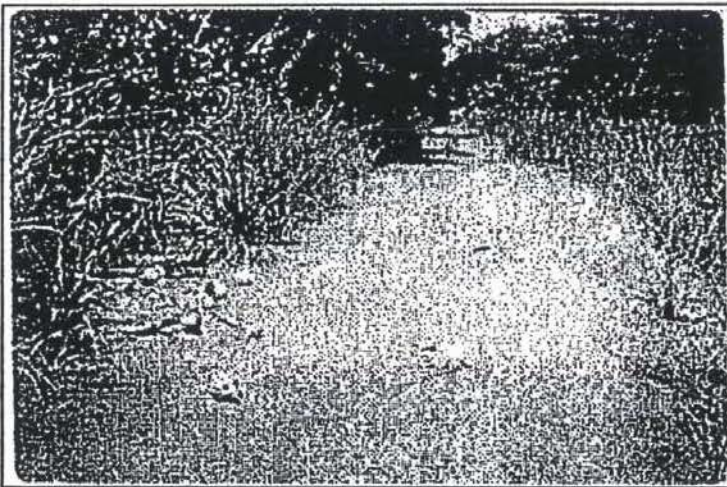


Figure 7 These remains of these refugees are from a group of at least twenty-one men, women, and children killed near the second bridge by the ADFL.

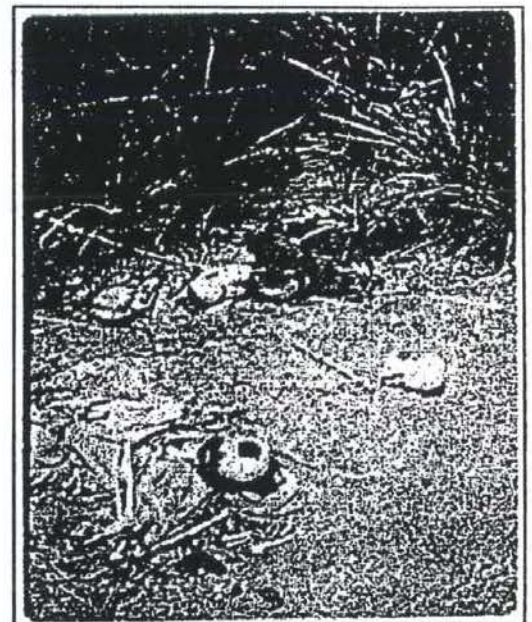


Figure 8 Of this group shown in Figure 7, the skulls of these five men, women, and children were smashed and full of holes.

Five kilometers from the second bridge is the third village, where UNHCR estimates that between 22,000 and 30,000 refugees had passed through a temporary camp. Numerous testimonies from Congolese, international humanitarian workers, and refugees in Congo-Brazzaville spoke of mass killings by the ADFL of refugees at the third village. A witness who had accompanied the ADFL to the third village stated that he saw several hundred cadavers in and around the camp upon his arrival.

On the road approaching [the third village], there were many, many cadavers. There were many more at the camp, several hundred. They were killed with knives and machetes, but right in the camp they had been shot, too.⁶⁴

⁶⁴Human Rights Watch/FIDH interview, first village, August 19, 1997.

Civilian refugee survivors, interviewed in Congo-Brazzaville, stated that the ex-FAR had moved on long before the arrival of the ADFL and that no combat had occurred at the third village.⁶⁵ Congolese in the area similarly denied that combat had taken place anywhere near the third village.

Human Rights Watch visited the former refugee camp site at the third village which spread over some 800 meters of road and into the forest. The camp was littered with clothing, shoes, equipment and many bullet shells. No evidence of bodies or mass graves was present. According to villagers and relief workers, the site had been cleaned by the ADFL and the bodies of refugees, numbering in the hundreds, were dumped in a nearby river.

According to witnesses, the majority of these killings were carried out by Kinyarwanda speaking members of the ADFL, ethnic Tutsi from Rwanda, Uganda, and eastern Congo. Villagers consistently described elements of the ADFL who participated in killings as being "Rwandans." When asked to explain how they knew they were Rwandan, witnesses claimed that often the only languages spoken by refugees were Kinyarwanda or Kiswahili, and their morphology was different from Congolese: many were tall, very dark, and had facial features characteristic of some Tutsi.

VI. CLEANING UP: SITE PREPARATION AND THE INTIMIDATION AND KILLING OF WITNESSES

Authorities in Congo have made concerted efforts to conceal the evidence of civilian killings. The ADFL and its allies, especially Kiswahili and Kinyarwanda-speaking elements, have engaged in a campaign to cover up civilian killings throughout Congo, largely through the physical cleansing of massacre sites and by the intimidation of witnesses. These efforts have been ongoing since the beginning of the war in October 1997 and up to the present throughout eastern, central, and western Congo. It is likely that efforts in both of these areas—cleanups and intimidation—have intensified since April 1997, paralleling an increase in allegations of massacres and the arrival in the region on four separate occasions of United Nations investigative teams.⁶⁶ Pressure from the international community on the Congolese government to cooperate with the U.N. missions may also have contributed to intensified cleanup and intimidation efforts by the ADFL and its allies.

Unlike the area near the three villages visited, located in a remote part of Congo, most massacre sites have been cleaned up by the ADFL or local villagers under their instruction. Major massacre sites have been subject to particularly concerted efforts, such as those in the Goma refugee camps or the area south of Kisangani, using dozens of villagers and heavy equipment.⁶⁷

A large number of cleanups have taken place in North-Kivu where thousands of civilian refugees and Congolese have been killed since October 1996.⁶⁸

⁶⁵Human Rights Watch/FIDH interviews, Loukolela refugee camp, Congo-Brazzaville, August 9, 1997.

⁶⁶ March 1997 to Goma, Congo; May 1997 to Kigali, Rwanda; and June and August of 1997 to Kinshasa.

⁶⁷Human Rights Watch/FIDH interview with humanitarian organizations in Goma, Congo, August, 1997, and Nairobi, Kenya, July, 1997.

⁶⁸North-Kivu has been subject to state-sponsored ethnic conflict for several years, and violent conflict since March of 1993. This complex conflict has ebbed and flowed in North-Kivu over the past several years, and likely resulted in thousands of civilian deaths.

Civilian killings increased with the attacks on refugee camps in North and South-Kivu in October 1996. In the city of Goma and the North-Kivu camp area alone, the UNHCR made arrangements for the burial of more than 6,800 people,⁶⁹ a mix of men, women and children in and around the camps themselves.⁷⁰ Residents of Goma, however, stated that roads leading to the camps were blocked by the ADFL immediately after the attacks. Before the U.N. had access to the camps, a front-end loader from the local public works department was seen heading toward the camps. An international journalist visited one site near the camps during this period where bodies were being dumped in a ravine, with heavy equipment tracks leading away.⁷¹ Local villagers from the area stated that they had been eyewitnesses to the ADFL's use of a front-end loader to dispose of bodies from the camps in the ravine.⁷²

Another notable cleanup operation was conducted south of Kisangani in late April and May 1997, following large-scale killings. Subsequent to several attacks in mid to late April on temporary refugee camps south of Kisangani by a mix of villagers and ADFL troops, humanitarian workers were denied access to the area by the ADFL troops. Independent eyewitnesses gave consistent reports to Human Rights Watch/FIDH of heavy machinery and trucks being used by the ADFL or workers engaged by them in the area where the camps had been.⁷³ While access was cut off, many trucks loaded with firewood were seen heading toward the former campsites. Several sources reported that bodies were being burned and ashes disposed of in rivers or deep in the forest.⁷⁴ In mid-September, the *New York Times* reported that the driver of a tractor used in these cleanup efforts and a Belgian national who owned heavy machinery and land in the massacre area were arrested without charge.⁷⁵ This report was later corroborated by French and Belgian authorities who reported on September 26, 1997 that two residents of Kisangani, nationals of France and Belgium, had been arrested without charges and were being held for questioning. Knowledgeable sources stated that the two were in possession of a videotape of evidence pertaining to massacres in the Kisangani area.⁷⁶

Villagers and aid workers reported that smaller cleanups have continued from the beginning of the war up to the present in several different regions. In the Rutshuru area of North-Kivu, several villages where massacres had occurred were visited by development workers in March of 1997. The evidence at sites consisted of the charred remains of houses with bones and skeletons visible inside. When the site was revisited several months later, the remains were gone: villagers told them that Kinyarwanda-speaking ADFL soldiers had come back to the sites and ordered them to clean up the sites and hide the remains in common graves.⁷⁷

Another recent cleanup was witnessed by a resident of Goma who was traveling into the Masisi area in July of 1997. The witness reported that ADFL soldiers stopped the truck he was traveling with and all traffic on the road for a period of thirty-six hours, claiming that the way ahead was unsafe. When the truck was allowed to proceed, the witness claimed that smoke and bones were visible near a small river by the roadside where the ADFL had been working.⁷⁸

⁶⁹According to UNHCR officials in Goma, Congo.

⁷¹Human Rights Watch/FIDH interview in Nairobi, July 28, 1997.

⁷²Human Rights Watch/FIDH interview in Goma, Congo with villagers from the Nyragongo zone, August, 1997.

⁷³Human Rights Watch/FIDH interviews with aid workers in Kinshasa, Nairobi, and Goma, July-August 1997.

⁷⁴Ibid.

⁷⁵Howard French, "Hope for Congo's Revolution Dissolves Over Old Tensions," *New York Times*, September 28, 1997.

⁷⁶U.N. Department of Humanitarian Affairs, Integrated Regional Information Network. "Great Lakes: IRIN Update 257 for 26 September, 1997."

⁷⁷Human Rights Watch/FIDH interview with humanitarian organization in Goma, Congo, August 28, 1997.

⁷⁸Ibid.

Congolese in villages visited by Human Rights Watch/FIDH were reluctant to speak of the killings and stated that they feared reprisals from Kinyarwanda-speaking members of the ADFL.⁷⁹ Congolese who have spoken out against the killings, or those who have been suspected of speaking out, have been subject to intimidation, beatings, arrests or killings by ADFL. Residents of Goma told Human Rights Watch/FIDH with apprehension of an incident during which two humanitarian workers in Bunyakiri, South-Kivu, had "disappeared" shortly after showing mass grave sites to foreigners.⁸⁰

Such claims were frequent. In one village in Haut-Congo, residents spoke of a local civil servant, Mr. Kahama, who had been arrested at his home by a Kinyarwanda-speaking ADFL officer. The officer criticized Mr. Kahama for having made a call via high frequency radio to Kisangani, requesting gloves and disinfectant to bury a large number of refugees who had been massacred by ADFL troops in his village. Mr. Kahama was taken to Kisangani to meet with a local ADFL commander for questioning. Guards outside the home of the commander subsequently heard Mr. Kahama crying out for help and then gunshots being fired. Mr. Kahama's body remains missing.⁸¹

The president and executive secretary of the Regional Council of Non-Governmental Development Organizations (CRONGD) in the Maniema province were arrested by ADFL military under the orders of Commander "Bikwete" and Commander "Leopold" on August 6, 1997 in Kindu. Both commanders were described by residents of Kindu as "Banyamulenge." The two CRONGD officials, Bertin Lukanda and Ramazani Diomba, were suspected of providing information to the U.N. Investigative Team regarding the killings of refugees in Maniema.⁸² Both men were beaten severely and detained at Lwama military camp. Mr. Ramazani Diomba, the executive secretary, was hospitalized due to the beating; Mr. Lukanda, also a staff member of a local human rights organization, remained in detention for thirty-one days. Two of Mr. Lukanda's colleagues from his human rights organization have been prohibited by the ADFL from leaving Kindu.⁸³

A witness from Haut-Congo, Jean, stated in his first interview with Human Rights Watch/FIDH that there were no problems in his village in Haut-Congo when the ADFL arrived, describing them as the "liberators." When asked specifically about alleged killings in the area, he stated that he was not interested in talking about "politics." Over the next few days, Jean provided progressively more information regarding killings committed by the ADFL and brought additional eyewitnesses to Human Rights Watch/FIDH. Jean explained that he, like many in his village, were frightened after the abduction and killing of a local civil servant as the ADFL "did not joke around" when it came to killings.

Similarly, according to a local organization in Goma, on at least one public radio station there, *the Voice of the People*, announcements have been made in Kiswahili to discourage the population from cooperating with the U.N. team investigating the massacres.⁸⁴ The ADFL led ideological seminars in the east throughout early 1997 informing

⁷⁹ Villagers referred to these soldiers simply as "Rwandans" or "Burundians" or "Ugandans" or "Tutsi".

⁸⁰ Human Rights Watch/FIDH interviews with aid workers in Goma and Kinshasa, Congo, August, 1997.

⁸¹ Human Rights Watch/FIDH interviews with relatives and colleagues of Mr. Kahama in Kinshasa and in Haut-Congo, August 1997.

⁸² Letter of appeal for assistance from Haki za Binadamu, September 15, 1997; Human Rights Watch/FIDH interview with Haki za Binadamu staff in Kinshasa, August, 1997.

⁸³ Letter of appeal for assistance from Haki za Binadamu, September 15, 1997; interview with National Council of Development NGOs in Kinshasa.

⁸⁴ Human Rights Watch/Africa interview with a non-governmental organization in Goma, Congo.

local populations that all refugees who had wanted to return to Rwanda had done so; seminar leaders told participants that any Rwandans who remained were ex-FAR or Interahamwe and therefore should be exterminated.⁸⁵

VII. WHO IS IN CHARGE: TOWARDS ESTABLISHING RESPONSIBILITY

During a July 1997 interview with the *Washington Post*, Rwandan Vice-President Paul Kagame claimed that the Rwandan government had planned and led the military campaign that dispersed the refugee camps in Eastern Congo and ousted former President Mobutu.⁸⁶ According to the *Washington Post*, Kagame was unequivocal concerning his objectives:

The impetus for the war, Kagame said, was the Hutu refugee camps. Hutu militiamen used the camps as bases from which they launched raids into Rwanda, and Kagame said the Hutus had been buying weapons and preparing a full-scale invasion of Rwanda.

Kagame said the battle plan as formulated by him and his advisors was simple. The first goal was to 'dismantle the camps.' The second was to 'destroy the structure' of the Hutu army and militia units based in and around the camps either by bringing the Hutu combatants back to Rwanda and 'dealing with them here or scattering them.'⁸⁷

Kagame's third objective was to topple Mobutu. Congolese President Kabila confirmed Rwanda's military assistance in Congo during an official visit to Kigali on September 9, 1997, when he publicly thanked Rwanda for their help during the war.⁸⁸

These statements lend support to the numerous testimonies taken by Human Rights Watch/FIDH from Congolese, refugees, and expatriates in Congo regarding the presence of Rwandan and other foreign troops in Congo during the war. Similarly, Kagame's stated objective of destroying "the structure" of the ex-FAR provides a possible explanation for the active pursuit of refugees, former military, and militia across Congolese territory to areas of minor strategic importance, such as Mbandaka.

Despite the public recognition of military involvement, both Kabila and Kagame have denied that any civilian massacres took place by troops under their command.⁸⁹ Both during the war and up to the present, however, the identities of many commanding officers and strategists of the ADFL and its allies were kept secret. Throughout the seven-month military campaign, senior officers in the field were often out of uniform and many used only their first names in public. Similarly, ranks were apparently confused or intentionally simplified to avoid identification of the military hierarchy: many officers of Katangese or Angolan origin were given or assumed the rank of "general", while numerous Ugandan and Rwandan officers were known only as "commander" or "colonel" followed by their first name only. It is possible that many of these first names that were used in public are pseudonyms.

Regional power structures that reflect the pattern in Kinshasa have been put into place in many of the provinces. In several regions, governors from the political opposition or from local ethnic groups have been installed, at times through simple hand-raising elections in stadiums. Despite this apparent democratic method, Congolese community leaders and civil servants, international humanitarian workers, and U.N. officials claimed that civilian

⁸⁵Situation Report from a humanitarian NGO operating in eastern Congo, April 13, 1997.

⁸⁶John Pomfret, "Rwanda Planned and Led the Attack on Zaire," *Washington Post*, July 9, 1997.

⁸⁷Ibid.

⁸⁸Integrated Regional Information Network, Update 245, September 10, 1997.

⁸⁹In his interview with the *Washington Post*, Kagame does not deny the possibility of "individual atrocities".

authorities have had little power in decision-making, especially regarding refugee issues, and that important questions were handled by military authorities.

In several provinces, Katangese generals have been installed as regional military commanders, seconded by Rwandan or Ugandan officers in charge of operations and questions related to refugees and security. Tension often exists between the various military factions, especially between those of Rwandan or Ugandan origin and those from Angola, Katanga, or non-Kinyarwanda speaking groups.⁹⁰ One Katangese general, allegedly responsible for the province of Equateur, stated flatly to a Congolese humanitarian official that he did not handle refugee issues.⁹¹

The identities of leading officers and strategists may have been intentionally hidden by the ADFL in order to protect those responsible for war crimes. Nevertheless, some became known to embassies in Kinshasa, humanitarian organizations, and Congolese, as either strategists or field commanders, or both. Lt. Colonel James Kabarebe, often known as Commander "James," or "James Kabare," was described by a U.S. Embassy official in Kinshasa as the most powerful commander in Congo and a principal strategist during the seven-month war.⁹² An English-speaker, James claims to have grandparents from Rutshuru in North-Kivu, and has spent time in Uganda. James was active in the field during the war, telling an embassy official in Kinshasa how he changed the tactics of the ADFL after taking Kisangani. He was reportedly the field commander for the decisive battle at Kenge just prior to the fall of Kinshasa and was subsequently responsible for troops taking the capital.

James continued to play a key role in the military structure in Kinshasa and is likely the most powerful officer in Congo as of this writing. He participated in the first official talks between President Kabila and U.S. Ambassador Bill Richardson in Lubumbashi in early June 1997. Rwandan Vice-President Kagame acknowledged that James was a key commander operating in Congo during the war and had been assigned to organize the new Congolese army.⁹³

Other officers were seen regularly by many observers in areas where massacres took place. Below is a list of some of these individuals who may have been involved in, or been aware of, the organization or execution of civilian massacres in Congo. The list is incomplete, and likely represents a small fraction of those involved. Human Rights Watch/FIDH publishes the list not in an effort to accuse the below of war crimes but to insist that investigations are initiated by appropriate governments to clarify the role of each of these individuals and, equally important, other parties implicated in the massacres.

Commander "David"

Referred to as commander or major, originally from Rwanda or the Rutshuru area of North-Kivu. A fluent English and Kinyarwanda speaker, David has said that he left Rwanda at a young age to study in Uganda. By some reports, he also studied in Canada. According to numerous testimonies, he is approximately thirty years old, six foot one inch tall, thin, and has longish hair, very dark skin, and features characteristic of many ethnic Tutsi. David is a member of the RPA.⁹⁴

David played an important role in the fall of Goma on October 31, 1997. Expatriates in Goma at the time were instructed by UNHCR to refer to "Major David" in the event that they encountered the RPA during their evacuation.⁹⁵

⁹⁰In addition to numerous reports describing this tension, three separate shooting incidents in three different provinces occurred between Rwandan and Katangan elements during the Human Rights Watch/FIDH stay in Congo. At least four military deaths resulted.

⁹¹Human Rights Watch/FIDH interview, Mbandaka, August 20, 1997.

⁹²Human Rights Watch/FIDH interview, U.S. Embassy, Kinshasa, August 22, 1997.

⁹³John Pomfret, "Rwandans Led Revolt in Congo," *Washington Post*, July 9, 1997.

⁹⁴Human Rights Watch/FIDH interviews in Kinshasa and Goma, August 1997.

⁹⁵Human Rights Watch/FIDH interview with aid workers in Goma, November 1996.

David was in Beni in November 1996, in Isiro in early 1997, and finally in Kisangani in April 1997 during the period when access was cut to refugee camps and large-scale massacres were taking place.⁹⁶ David was in Mbandaka on May 13, 1997, where eyewitnesses report over 1,300 people killed by ADFL troops and their allies.⁹⁷ David told several sources in Mbandaka how he had made the journey from Kisangani to Mbandaka on foot.

After the departure of Commandant Wilson and Commandant Godfrey (see below) from Mbandaka, David claimed to be responsible for Equateur. David was described by many who had dealings with him as being very intelligent, helpful, and a disciplinarian. On at least one occasion, he ordered a soldier under his command to be flogged in public for an alleged rape.⁹⁸ In an informal conversation with colleagues, he mentioned how easy it was to kill:

It's so easy to kill some one; you just go—[pointing his finger like a pistol]—and it's finished.⁹⁹

General Gaston Muyango

A native of the Katanga region, General Muyango is reportedly a Tshiluba, Lingala, and Portuguese speaker. Muyango was at numerous locations between Kisangani and Mbandaka shortly after killings took place. He arrived in Mbandaka on May 13, 1997 where over 1,300 refugees were killed by ADFL troops and their allies. In Mbandaka, he lived in ex-Minister Eduard Mokolo's house on Avenue Itela.¹⁰⁰

Despite his rank of general, Muyango was described by numerous Congolese and expatriates as having little power in Mbandaka. Humanitarian workers claimed that for important decisions they were referred to Commanders David, Godfrey Kabanda, or Wilson. Muyango stated in several private conversations that he didn't deal with refugee issues. He was reportedly often in conflict with these commanders and left Mbandaka around the third week in June.

Commander "Godfrey" Kabanda

Commander "Godfrey" was reportedly either the top commander or a commander of operations for the ADFL in Mbandaka on May 13, 1997 during the Mbandaka massacre. He is described as short and robust and having facial features characteristic of some Tutsi. Godfrey claimed to be the military commander for the Equateur region. According to press reports, Godfrey denied that any massacre had taken place in Mbandaka but spoke openly of how many of his soldiers were Tutsi survivors of Hutu refugee attacks on Congolese Tutsi in eastern Congo in 1996.¹⁰¹

Godfrey left Mbandaka within a few weeks after the May 13, 1997 massacre.

Lt. Colonel or Col. Cyiogo (Kiago)

Often seen just behind the front lines during the war, a Lt. Colonel or Colonel with a name close to Cyiogo (or "Kiago") was responsible for some of the ADFL troops on the road between Kisangani and Mbandaka, an area where massacres took place. A Kinyarwanda and Kiswahili speaker, Cyiogo is tall, dark, thin and reportedly used an interpreter for his communications. Cyiogo has been accused of being involved in the abduction of at least one Congolese civil servant who had spoken out concerning the killings in Equateur. Cyiogo is a member of the RPA.¹⁰²

⁹⁶Human Rights Watch/FIDH interviews with U.S. Embassy official, Kinshasa, August 22, 1997, and aid workers in Goma, August 28, 1997.

⁹⁷Human Rights Watch/FIDH interviews with development workers of Mbandaka, Kinshasa, August 5, 1997.

⁹⁸Human Rights Watch/FIDH telephone interviews with aid workers formerly in Mbandaka, July 1997.

⁹⁹Human Rights Watch/FIDH interview with colleague of David, Congo, August 27, 1997.

¹⁰⁰Human Rights Watch/FIDH interviews with eyewitnesses between Kisangani and Mbandaka, August 1997.

¹⁰¹Colin Nickerson, "Refugee Massacre Unfolds in Congo," *Boston Globe*, June 6, 1997.

¹⁰²Human Rights Watch/FIDH interviews, first village, Kinshasa, and Nairobi, July and August, 1997.

Commander or Lt. Colonel "Wilson"

Wilson was at or near sites in South-Kivu, Haut-Congo, and Equateur during periods when massacres took place. Several reports indicate that he may be responsible for a special unit of RPA, composed primarily of experienced Rwandan soldiers, that has been implicated in several large massacres in Congo.¹⁰³

Wilson was in Kisangani during military interventions that took place at Biaro, Kasese I, and Kasese II that likely resulted in thousands of refugee deaths. According to aid workers in Kisangani, Wilson was responsible for training and inciting the local Congolese population south of Kisangani to launch attacks against refugees. He was a commander for RPA operations in Mbandaka on May 13, 1997, when a massacre took place. He was in Mbandaka until approximately May 24, 1997 when he was reportedly replaced by Commander David.¹⁰⁴

Wilson has striking facial scarification and, in addition to English, speaks the Kiswahili typical of Uganda. He claims to be from Uvira, in eastern Congo and is described as professional and intelligent by many who dealt with him on refugee issues. Wilson reportedly often went by the alias "Khadafi" in Rwanda as an RPA officer.¹⁰⁵

Colonel "Richard"

According to members of the ADFL military in Mbandaka, Colonel Richard, a member of the RPA, was one of the commanders responsible for operations at Mbandaka during the massacre May 13, 1997.¹⁰⁶

Major "Jackson" Nkurunziza (or Nziza)

An officer reported to be Major Nkurunziza (also referred to as Colonel or Commander "Jackson") was seen by numerous sources in Maniema, South-Kivu and Haut-Congo near sites where refugees were concentrated and/or massacres took place. Jackson, according to Congolese and aid workers also known as "the exterminator," speaks the Kiswahili of Uganda as well as fluent English and Kinyarwanda.¹⁰⁷

In early April, Jackson was a commander in the Shabunda area where he told aid workers that his mission was to eliminate ex-FAR and Interahamwe. During this period, humanitarian sources saw mass graves and decomposing bodies of what they state were civilian refugees in the Shabunda and neighboring areas. Corroborating sources state that Jackson was at barriers south of Kisangani during mid- to late April 1997 when massacres allegedly were taking place at refugee camps in the area. He was in Kisangani until mid-May and later in South-Kivu and Maniema as late as July 1997 during a period in which UNHCR was organizing voluntary repatriation.¹⁰⁸ He was seen again in Kisangani as recently as early September 1997.¹⁰⁹

Commander "Joseph"

Commander "Joseph" or "Yusef", according to witnesses from the Masisi area, was in charge of ADFL troops based in the village of Rukwi in North-Kivu in late 1996. Joseph, reportedly a captain from the Burundian army, has been accused by eyewitnesses of commanding troops who participated in massacres in the villages of Nyakariba and Nyamitaba in late December 1996.¹¹⁰

¹⁰³Human Rights Watch/FIDH interviews with journalists and aid workers in the field, July and September 1997.

¹⁰⁴Ibid.

¹⁰⁵Human Rights Watch/FIDH telephone interviews with U.N. officials in Europe, July 1997.

¹⁰⁶Human Rights Watch/FIDH telephone interview with journalist in Washington, September 30, 1997.

¹⁰⁷Human Rights Watch/FIDH interviews, Congo, Nairobi, and New York, July-September 1997.

¹⁰⁸Ibid

¹⁰⁹Human Rights Watch/FIDH interviews with journalists, aid workers, and U.N. officials, July-September 1997.

¹¹⁰Human Rights Watch/FIDH interviews, Nairobi, March and August 1997.

Colonel "Dominic Yugo"

According to testimony from local Congolese NGOs, countless journalists, and international humanitarian workers, a commanding officer among Mobutu's mercenaries in the Kisangani area by the name of Colonel "Dominic Yugo" was responsible for numerous abuses and violations of international humanitarian law. Yugo, a Serb, personally executed and tortured Congolese civilians suspected of collaborating with the ADFL. On March 8, 1997, on a road near the Kisangani airport, Yugo shot and killed two Protestant missionaries, with bibles in hand, accusing them of being ADFL spies.¹¹¹ A beef importer from Goma was arrested by mercenaries on February 23, 1997 under Yugo's command and later described how he and others in detention were tortured and subject to inhumane treatment by Yugo himself.¹¹²

According to an aid official, Yugo claimed responsibility for air attacks on Walikale and Bukavu, incidents which resulted in numerous civilian deaths and casualties.¹¹³

VIII. UNCERTAIN PAST, UNCERTAIN FUTURE: CIVILIAN KILLINGS IN NORTH-KIVU TODAY

Most of the civilian killings in Congo today are in the province of North-Kivu, providing an example of perhaps the worst possible futures for the newly re-baptized Congo. North-Kivu has been subject to several waves of immigration from Rwanda since the 1920s, setting the stage for the state-condoned ethnic violence of more recent years. In particular, since March of 1993, civilians in the region have been the victims of government policies that inspired extremists and community leaders to take up arms to resolve their disputes. These differences revolved around three intertwined themes: customary and civilian power, citizenship, and land rights. These problems, left festering under the Mobutu regime, have yet to be resolved by the new ADFL government.

The conflict in North-Kivu was complicated and exacerbated by the arrival of ex-FAR and armed militia in the region in July of 1994. Alliances between ethnic groups changed at this point, as they have done several times in North-Kivu from 1993 to the present, while abuses inflicted by armed groups upon the civilian population have remained a constant. From late 1994 until the arrival of the ADFL in North-Kivu, civilian casualties numbered at least in the hundreds, and thousands were displaced from a range of ethnic groups including the Tutsi, Hutu, Hunde, Nyanga, Tembo, and Nande.

Under the Mobutu regime, civilians from the Hunde and other ethnic groups indigenous to the Masisi zone became targets of the FAZ during their operations "Mbata" and "Kimia" in 1996 aimed at eliminating armed militia from these ethnic groups.¹¹⁴ Hutu communities in North-Kivu were frequently under attack throughout 1995 and 1996 and displaced by these militia who sought to force all Banyarwanda,¹¹⁵ including Hutu refugees, "back to Rwanda." Ethnic Tutsi in North-Kivu were subject to increasing attacks by Hutu militia and ex-FAR from mid-1994 through October 1996. Thousands of Tutsi fled North-Kivu to refugee camps in Rwanda throughout 1996 due to these attacks. Ethnic Tutsi throughout Congo came under increasing pressure to flee Congo in the months leading up to October 1996, due to a state-sponsored intimidation campaign against them.¹¹⁶

¹¹¹James McKinley, "Serb Who Went to Defend Zaire Spread Death and Horror Instead," *New York Times*, March 19, 1997.

¹¹²Ibid.

¹¹³Human Rights Watch/FIDH interview, UNHCR official, September 1997.

¹¹⁴Primarily Hunde and Nyanga, these militia included members of the Nande, Tembo, and other groups.

¹¹⁵Banyarwanda are people whose ancestors are from Rwanda.

¹¹⁶Human Rights Watch/FIDH, "Forced to Flee: Violence Against the Tutsis in Zaire"; Human Rights Watch/FIDH, "Attacked By All Sides,"; Human Rights Watch/Africa, "Transition, War and Human Rights".

Under the ADFL, civilian killings have continued on an alarming scale in North-Kivu, particularly in the early months of the war and from April 1997 to the present. While some deaths may have been associated with combat between the ADFL or its allies and their foes from the ex-FAR, ex-FAZ, and armed militia, many civilians were deliberately attacked by these different armed groups and the ADFL, resulting in hundreds of deaths.^{117, 118}

Many of the killings in recent months have been related to the unresolved issues of land rights, customary power, and political leadership. With the arrival of the ADFL in October and November 1996 and the dispersal of the ex-FAR and Interahamwe, many ethnic Tutsi Congolese attempted to return from exile in Rwanda to their land in the Masisi area. Their return, coupled with rumors of an annexation of North-Kivu and South-Kivu by Rwanda, the installation of ethnic Tutsi to positions in the new civilian administration, and brutal repression by ADFL and RPA forces in Masisi has increased tension among Tutsi civilians and other ethnic groups. Many returning Tutsi have been attacked by what they describe as a mix of ex-FAZ, ex-FAR, and militiamen from indigenous groups including the Mai-Mai.¹¹⁹

These attacks have caused several massive displacements of ethnic Tutsi civilians in North-Kivu and an unknown number of civilian deaths. In July 1997, several thousand Tutsi fled the Masisi area after attacks from ex-FAZ, ex-FAR, and militia on villages in the Masisi, Ngungu, and Minova areas. In August, many of these displaced attempted to return to their homes under the protection of RPA troops. Following further attacks, many of these ethnic Tutsi Congolese were again forced out of the Masisi and Goma area in early September, several thousand seeking refuge in Rwanda.¹²⁰

Human Rights Watch/FIDH received numerous reports from the Masisi, Rutshuru, and Nyragongo zones of North-Kivu where civilian killings were carried out by the ADFL or RPA since November of 1996. Villagers and humanitarian workers gave eyewitness accounts of scores of civilians killed by ADFL or RPA troops in the Masisi area during the month of August 1997 alone. In the town of Masisi itself, humanitarian workers counted over sixty bodies of civilians on August 25, 1997 following a raid on the town by ADFL and RPA troops. The general hospital was razed during the raid and the bodies of patients were disposed of in latrines. Other civilian killings in late August took place in the villages of Kalangala and Ruzirantaka, where twenty-four and nineteen people respectively were killed by Kinyarwanda-speaking members of the ADFL or RPA. Among the dead were many women, children and elderly.

Human Rights Watch/FIDH received numerous testimonies in Goma of helicopters being flown repeatedly between Rwanda toward the Masisi area, allegedly for military purposes.¹²¹ Many residents in Goma declared that convoys of trucks of RPA soldiers could be seen routinely entering from Gisenyi, Rwanda and heading into the Masisi area. It is likely that some of these soldiers have been used in the attacks on civilians in the Masisi area described by villagers from the area to Human Rights Watch/FIDH. Residents of Goma also reported a general insecurity in the town due in large part to frequent looting and killings by Rwandan soldiers, who would often slip across the border to Rwanda following abuses.¹²²

¹¹⁷Human Rights Watch/FIDH interviews in Goma, Congo with villagers from the Masisi zone, August, 1997.

¹¹⁸Mission d'enquete sur la situation des droits de l'homme dans la province du Nord-Kivu, Action paysanne pour la reconstruction et le developpement communautaire integral, September, 1997.

¹¹⁹ Human Rights Watch/FIDH interviews with returnees in Gisenyi, Rwanda, September, 1997.

¹²⁰Ibid.

¹²¹Human Rights Watch/FIDH interviews in Goma, Congo with several individuals including an international pilot, August 27, 1997.

¹²²Human Rights Watch/FIDH interviews in Goma, Congo, August 26, 1997.

The lack of functioning legislative or judicial institutions in Congo to address these issues has aggravated the resurgence in violence since March of 1997. It is likely that these cycles of violence will continue or increase in eastern Congo, and perhaps in other provinces, if political solutions to the core problems of citizenship, land rights, and customary power are not found. The commander of Congo's 4th Military Brigade, based in Goma, stated shortly after his arrival in Goma in late July that there would be "no prison for killers, bandits, and armed robbers" and declared that military or bandits caught committing crimes would be subject to public execution.¹²³

IX. THE INTERNATIONAL RESPONSE

Beginning in 1994, the international community helped create and perpetuate problems in eastern Congo by dealing only with the humanitarian needs and neglecting the more complex political and military issues concerning the refugee camps. Aware that authorities responsible for the genocide in Rwanda controlled the camps and that soldiers and militia were using them as bases for raids into Rwanda, donor nations still continued to support them. Despite appeals from the UNHCR, humanitarian groups and human rights organizations, they refused to invest the resources needed to separate armed elements from actual refugees or to move the camps further from the Rwandan border. The only solution they offered, partially effective and only for the short-term, was financing FAZ soldiers seconded to the service of the UNHCR.

Not long after seizing power in Kigali in July 1994, Rwandan authorities insisted that the refugees be repatriated and the camps dispersed, an insistence that grew during 1996 as incursions from Zaire increased in number and scale. In the face of such clear warnings, the international community still did not take action to defuse the situation.

When the ADFL attacked the camps, the international community once more addressed simply the humanitarian issues of facilitating repatriation and delivery of aid. It spent a month preparing for a multinational military force to provide security for refugees and humanitarian workers but then dropped the plan after the U.S., the U.K. and Canada decided not to send combat troops.

Having decided against armed intervention, the international community was reduced to repeatedly deploring the ADFL attacks against the refugees and obstruction of humanitarian assistance, whether by the ADFL or the government of Zaire. In the face of reports of massacres, they engaged at most in public protestations and private diplomacy, all of which seemed equally ineffective. Even after the United Nations special rapporteur on Zaire, Roberto Garretón, presented evidence that massacres had occurred in his April 2, 1997 report to the United Nations Commission on Human Rights, the U.N. proposed a more thorough investigation but made no intervention that might have averted subsequent slaughter, such as that to the south of Kisangani in mid to late April 1997 and in Mbandaka on May 13, 1997.

The U.S., torn between concerns for the stability and territorial integrity of Congo and a desire to have the problem of the refugees resolved, long remained silent on the massacres and obfuscated important questions, such as the number of refugees in Congo after November 1996 and the role of Rwandan troops in the ADFL forces. Such positions seemed to indicate backing for the ADFL, a conclusion strongly reinforced by revelations of U.S. military aid to Rwanda. An important number of African nations have also supported Kabila and downplayed or denied accusations of crimes against humanity by his troops.

After mounting an initial effort to seek accountability through a U.N. investigation, the secretary-general and others backed down, permitting Kabila to veto Garretón as chief investigator. More recently, the U.S., the European

¹²³Integrated Regional Information Network, Emergency Update No. 227 on the Great Lakes, August 8, 1997.

Union, and the secretary-general appeared ready to meet Kabila's stonewalling with the firmness which if sustained could break the cycle of violence and impunity. African supporters of Kabila, however, have not joined this renewed effort at demanding accountability.

The United States

U.S. policymakers saw the refugee camps as a threat to regional stability. Although the U.S. itself was not prepared to use force to break up the camps, Department of Defense officials had decided as early as August 1995 not to oppose such action by Rwanda, provided it was a "clean" operation, meaning one with limited civilian losses.¹²⁴ In August 1996, Kagame informed State Department officials that Rwanda was ready to dismantle the camps if no one else acted, and, according to him, the U.S. took "the right decisions to let it proceed."¹²⁵

As it became clear that the ADFL attacks had caused a new humanitarian crisis, the U.S. eventually agreed to join the multinational force, authorized by the U.N. Security Council, which was to provide assistance to refugees and to facilitate their return home. But within days of the decision, attacks by Kabila's forces drove hundreds of thousands of refugees home, opening the way to a debate between various governmental, U.N. and NGO actors about how many Rwandans were left in Congo. According to a senior administration official, from the start of the crisis the U.S. used the latest technology of satellite and airplane reconnaissance to produce daily and, later, weekly assessments of numbers and locations of refugees. This information was shared at least with UNHCR, raising the possibility that it might have ended up in other hands as well.¹²⁶ In a November 1996 briefing in Kigali, U.S. embassy officials told representatives of NGOs that aerial reconnaissance data showed no evidence of the missing hundreds of thousands. Soon after, officials admitted that this assessment had been wrong, because it was based on data relating to a only a small part of the region.¹²⁷ In a subsequent statement, that echoed closely the official Rwandan position, the U.S. ambassador in Kigali claimed that refugees remaining in Zaire numbered only "the tens of thousands."¹²⁸ At the December 4, 1996 hearing before the House International Relations Subcommittee on International Operations and Human Rights, U.S. officials finally agreed that between 200,000 and 400,000 Rwandans were left in Congo, an estimate at least in the general range of that given by humanitarian NGOs in the field and the UNHCR, which put the number at between 400,000 and 450,000.¹²⁹

The debate over numbers provided a pretext for delaying the force, as was pointed out by critical observers like Representatives Lee Hamilton and Christopher Smith. At the December 4 hearing, Hamilton stated:

I certainly understand that we don't have all the information we want, you never have all the information you want. . . . You always have to operate on less-than-perfect information. . . .¹³⁰

By the time there was general agreement that a minimum of 200,000 persons were still in need of aid, the U.S., followed by the U.K. and Canada, had concluded that a multinational force was not the best way to deliver that aid, thus ensuring its demise.¹³¹

¹²⁴Human Rights Watch/FIDH field notes, August 1995.

¹²⁵John Pomfret, *Washington Post*, July 9, 1997.

¹²⁶Human Rights Watch/FIDH interviews by telephone, one with a senior administration official, October 3, 1997.

¹²⁷Human Rights Watch/FIDH interview by telephone, London, October 6; Chris Mc Greal, "Officials Play Numbers With Missing Refugees," *The Guardian*, November 25, 1996.

¹²⁸Refugees International, "Refugees International Demands Recall of U.S. Envoy from Kigali," November 21, 1996, November 1997.

¹²⁹Conversation with UNHCR Deputy High Commissioner, Kinshasa, December, 1997.

¹³⁰Hearing of the International Operations and Human Rights Subcommittee of the House International Relations Committee, December 4, 1996.

¹³¹Human Rights Watch/FIDH, "Attacked by All Sides," page 13.

Throughout this period, the governments of Rwanda and Uganda consistently denied that their soldiers were fighting in Congo, a deception which the U.S. did not publicly question. Like others in Europe, the U.S. knew from the start that Rwanda and Uganda had each sent at least 1,000 troops to support Kabila, but for months it maintained the position that the ADFL was a purely Congolese force.¹³² In February 1997, the Deputy Chief of Mission of the Kigali embassy told Human Rights Watch/FIDH that "there was no proof" whatsoever that Rwandan troops were present in Congo.¹³³ Only the U.S. ambassador in Kinshasa, particularly concerned about the territorial integrity of Congo, broke ranks to denounce a Rwandan invasion in January 1997. At about the same time, Washington and Paris moved towards acknowledging the reality by urging Rwanda, Uganda and Burundi to stay out of the fighting. On March 17, the State Department spokesman finally admitted that the U.S. was "still concerned by the flood of reports" about Rwandan, Ugandan and Burundian assistance to the ADFL.¹³⁴ Several days later, a high-ranking State Department official confirmed to Human Rights Watch/FIDH that Rwandan troops were playing an important part in Congo conflict.¹³⁵

At the December 4, 1996 hearing, Ambassador Richard Bogosian told the congressional panel that the U.S. was "concerned" about reports of human rights violations by the rebels. He went on to say that the U.S. had raised the issue with the governments of Uganda and Rwanda. Implicitly acknowledging the role they played in the abuses, he stated that the U.S. had sent out instructions "to urge restraint on their part"¹³⁶

The extent of U.S. political, economic and military support for Rwanda raised the question of whether such assistance was also benefiting the ADFL. Questioned closely about this possibility by Representative Smith on December 4, administration officials downplayed U.S. military assistance to Rwanda. Vincent Kern, Deputy Assistant Secretary of Defense described these military programs as the "softer, kinder, gentler" side of military training, void of any instruction for combat situations or "any of the sort of basic military training that you would get at Fort Bragg; officer training, those sorts of things."¹³⁷

At a hearing by the House International Relations Committee on July 16, 1997, however, testimony by Physicians for Human Rights raised new questions both about massacres in Congo and about U.S. military presence in the region. Following questions by members of Congress, the Department of Defense released a report on August 19, 1997 detailing one training program that included marksmanship, tactical skills and patrolling, small unit leader training, and leadership development training, some of which was conducted by U.S. Army Special Forces, in fact, from Fort Bragg.¹³⁸

At the July 16 hearings, Amb. Thomas Pickering, Under Secretary for Political Affairs, reiterated the administration position from the December hearings, calling the Kabila government's early human rights record "troubling." He also said that neighboring governments were pressed "to use their influence with the ADFL to ensure respect for internationally recognized human rights.

In August and September, European journalists, citing French intelligence and other sources, charged the U.S. with having its own soldiers in Congo. Witnesses in Kinshasa and Goma reported to Human Rights Watch/FIDH that they had seen U.S. military in Congolese territory on different occasions between November 1996 and August 1997.

¹³²Human Rights Watch/FIDH interview, by telephone, Washington, October 29, 1996; James Rupert and Thomas W. Lippman, "U.S. Stance on Zaire Draws Foreign Fire," *Washington Post*, March 15, 1997.

¹³³Human Rights Watch/FIDH interview, Kigali, February 12, 1997.

¹³⁴Reuter, "U.S. Troubled by Reports of Aid to Zaire Rebels," March 17, 1997.

¹³⁵Human Rights Watch/FIDH interview, Washington, March 20, 1997.

¹³⁶U.S. House of Representatives Committee on International Relations hearing, December 4, 1996.

¹³⁷Ibid.

¹³⁸The report was written in response to a request from U.S. House of Representatives Committee on International Relations Chairman Benjamin A. Gilman.

One eyewitness with extensive military experience reported seeing U.S. Army Special Forces in uniform in the villages of Walikale and Kanyabayonga in North-Kivu on July 23 and July 24, 1997, apparently advising and training RPA soldiers.¹³⁹ Other witnesses reported U.S. military in Goma in November 1996 as well as accompanying Ugandan troops in the Ruwenzori area of Congo as recently as August 1997.¹⁴⁰ Senior officials from the National Security Council and the Department of State denied that there had been any U.S. military presence in Congo.¹⁴¹

Unwilling to confront Kabila's allies on their role in the massacres, the U.S. took a clearer position on the responsibility of Kabila himself due to increasing reports of massacres in late February and early March 1997. In early April, a high-ranking U.S. official telephoned Kabila to express concern about allegations of massacres and about the problem of access for humanitarian workers.¹⁴² By late April, the U.S. felt compelled to publicly warn Kabila that failing to act "in a credible way and a humanitarian way" could damage his standing in the international community.¹⁴³

Although the U.S. apparently did no more than issue warnings while killings were taking place, it did later support the investigation. When Kabila rejected the presence of Garretón on the investigating team, however, the U.S. Ambassador to the U.N. Bill Richardson played a leading role in negotiating an accommodation with Kabila. Faced with mounting evidence of gross violations of international humanitarian law, officials at the State Department bitterly debated how much human rights considerations should influence policy towards Kabila's new government. In July, they decided that the U.S. could not grant aid to the new government until it had cooperated with the U.N. investigation.

After the team of investigators arrived in Kinshasa on August 24, Kabila attached new conditions to the investigation, as described in the United Nations section below. U.S. officials hesitated and again debated whether taking a strong stand on massive human rights abuses would lead to greater stability in the region, their ultimate goal. Some argued that to do so would rupture relations with Kabila and so end the possibility of future influence in this nation of major importance. Others argued that buying stability by silence was too high a price and would at best produce only a brief halt in violence in the region.¹⁴⁴ By October 1, the U.S. appeared to have decided to insist on some measure of accountability for the massacres and Ambassador Richardson declared that "there should be no negotiations on whether the team would have unimpeded access. It should." On the same day, U.S. Ambassador at Large for War Crimes David Scheffer stated that U.S. aid to Congo would depend on how the Congolese government received the U.N. Mission: "Such assistance is contingent on cooperation with the U.N. investigating team," said Scheffer, adding that "Kinshasa has nothing to gain and much to lose if it continues to obstruct."¹⁴⁵ Also on October 1, State Department Spokesperson James Foley warned that "it would be an enormously significant setback to the goal of achieving accountability in Central Africa" if Kabila evicted the U.N. team.¹⁴⁶

Europe and Africa

In November 1996 France and Spain proposed a multinational force to assist the refugees, an effort which France repeated in early March 1997 following publication of dramatic accounts of massacres in the French press.

¹³⁹Human Rights Watch/FIDH interview in Congo, August, 1997; an August 19 Defense Department report, as well as statements by the U.S. ambassador to Rwanda during the same month, confirmed that there were U.S. Army Special Forces involved in a training program in August at the Gako military camp in Rwanda.

¹⁴⁰Human Rights Watch/FIDH interviews in Kinshasa and Goma, August, 1997; during this period, U.S. Army Special Forces were conducting trainings for the African Crisis Response Initiative in nearby Fort Portal, Uganda.

¹⁴¹Human Rights Watch/FIDH interview in Washington, D.C., September 8 and 9, 1997.

¹⁴²Human Rights Watch/FIDH interview, by telephone, Washington, April 2, 1997.

¹⁴³Reuters, "Annan and the United States Warn Zairean Rebels," April 24, 1997.

¹⁴⁴Human Rights Watch/FIDH interviews, Washington, September 8 and 9, 1997.

¹⁴⁵"U.S. Withholds Congo Aid," Associated Press wire story, September 24, 1997.

¹⁴⁶AFP wire story, "U.S. Warns Kabila Aid at Stake over Human Rights Probe," October 1, 1997.

The long French alliance with Mobutu and larger French political interests in the region raised questions about its objectives in urging intervention, however, and other governments refused the March initiative, despite backing from the U.N. secretary-general. France berated other governments for a "conspiracy of silence," but in fact the massacres were frequently denounced by many officials of European governments as well as of the U.N., including Belgian Secretary of State for Development Cooperation Reginald Moreels, European Union Humanitarian Commissioner Emma Bonino, and U.N. and OAU special envoy Ambassador Mahmoud Sahnoun.

Moreels and Sahnoun both evoked the Rwandan genocide in their statements, a reference accurate for the pattern of international behavior: as in 1994, the international community at times denounced but took no effective action to stop the killings and then demanded accountability from the parties responsible only after the fact.

Once Kabila's government was established, some European officials appeared ready to place reconstruction over the needs of justice. On May 28, 1997, European Development Commissioner Joao de Deus Pinheiro sent encouraging signals to Kabila and, in August, two delegations visiting Kinshasa, one from Belgium led by Moreels, and one from the European Union, both concluded that the environment in Congo was largely favorable for re-establishing cooperation. More recently, however, on September 24, 1997, the European Union adopted a position similar to that of the U.S. and stated that aid to Congo would be conditioned upon Kabila's cooperation with the U.N. investigative team.

Some of Kabila's military supporters, including Rwanda, Uganda, and Angola, have been joined by others who have offered their encouragement to the new Congolese government. South African President Nelson Mandela referred to Kabila as "an outstanding figure, a dynamic leader"¹⁴⁷ and appeared ready to accept Kabila's assurances that allegations of massacres were false.¹⁴⁸ Other leaders from the region have also sought to protect Kabila's human rights record. Representatives of African states,¹⁴⁹ meeting in Kinshasa at the invitation of Organization of African Unity Chairman and Zimbabwean President Robert Mugabe, expressed their support for Kabila in the face of accusations of mass killings. They denounced with "dismay the persistent unsubstantiated disinformation campaign against the Democratic Republic of Congo" and "condemned this campaign of vilification and the unjustified pressures being exerted on the Democratic Republic of the Congo."¹⁵⁰

The United Nations

With mounting reports of massacres and other atrocities coming out of the areas of Zaire occupied by the ADFL, on March 6, 1997 the High Commissioner for Human Rights requested that the U.N. special rapporteur for Zaire investigate the allegations. After a short mission to the region, Rapporteur Roberto Garretón issued a preliminary report in which he identified more than forty massacre sites and recommended further investigation by the Commission on Human Rights.¹⁵¹ Such information led Secretary-General Kofi Annan to denounce the inhumanity of the rebels and to speak of "killing by starvation."

The Commission then directed him, together with the special rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Disappearances, to carry out an inquiry into massacres

¹⁴⁷Sapa-dpa wire story, Harare, May 21, 1997.

¹⁴⁸Integrated Regional Information Network, Emergency Update 235 for August 26, 1997.

¹⁴⁹In attendance at the meeting were representatives of Angola, Central African Republic, Congo, Eritrea, Ethiopia, Gabon, Mozambique, Namibia, Rwanda, South Africa, Tanzania, Uganda, Zambia, Zimbabwe. IRIN, "DRC: Joint Communique of the Kinshasa Meeting 20 July 1997."

¹⁵⁰Ibid.

¹⁵¹E/CN.4/1997/6/Add.2

alleged to have taken place since September 1996. The team was mandated to report to the General Assembly (GA) by June 30 and to the Commission's Fifty-Fourth Session in March/April 1998.¹⁵²

When the team, accompanied by forensic experts, arrived in the region in early May, Kabila refused to admit team leader Garretón into Congo, apparently in retaliation for his previous report. After a brief standoff, the team left the region but prepared a report based on sources already available to it.

In separate meetings in early June, Secretary-General Annan and Ambassador Richardson obtained Kabila's agreement that the U.N. investigation would start within a month. In its June 9, 1997 press release, the U.N. implied that the investigation team was to be that appointed by the Commission. But sources both within the U.S. administration and the U.N. told Human Rights Watch that Kabila had been assured that Garretón would not be heading the investigation.¹⁵³

The team headed by Garretón, known as the Joint Investigative Team of the Commission on Human Rights, published a report on July 2, 1997 stating that some of the alleged massacres could constitute acts of genocide (para. 80). It also concluded that "there are reliable indications that persons belonging to one or other of the parties to the conflict . . . probably committed serious violations of international humanitarian law, particularly article 3 common to the four Geneva Conventions of 1949" and that "[s]uch crimes seem to be sufficiently massive and systematic to be characterized as crimes against humanity" (para. 95).¹⁵⁴

Although the team had not been able to visit sites in Congo, its conclusions could not be ignored and compelled further investigation. On July 8, the secretary-general was authorized by the Security Council to create an investigative team under his own authority. It was not until more than a month later, however, that the team was actually set up, consisting of Atsu Koffi Amega of Togo, Andrew Chigovera of Zimbabwe, and Reed Brody of the United States, and a support team of several forensic and human rights experts.

Within a few days of the team's arrival in Kinshasa, the Congolese government set new conditions for its work. In an August 27 letter, Minister of Reconstruction Etienne-Richard Mbaya and Minister of International Cooperation Thomas Kanza insisted that: (1) team's Togolese chairman, Mr. Atsu-Koffi Amega, be replaced by someone from a neutral country—an apparent allusion to Togo's close relationship with the prior Zairian government of former President Mobutu Sese Seko; (2) it not be accompanied by its unarmed U.N. security personnel; and, (3) the U.N. investigation be conducted in conjunction with a proposed parallel investigation by the Organization of African Unity.

The secretary-general rejected the additional conditions on August 29 and gave Kabila a deadline of noon September 2 to confirm that the team could begin its work.¹⁵⁵ Foreign Minister Bizima Karaha delivered the assurance by telephone but the secretary-general reportedly insisted on a written confirmation from the country's president.

On September 6 the letter from Kabila finally arrived.¹⁵⁶ It stated that the team could start its work, but insisted that the investigation was to be "limited in time and space" to the period before May 17, the date when

¹⁵²Commission on Human Rights Resolution 1997/58, para. 6.

¹⁵³The June 9, 1997 statement in which Ralph Zacklin, the Officer-in-Charge of the High Commissioner/Centre for Human Rights, welcomed the arrangement reached between the U.N. and Laurent Kabila, mentioned, among other things, that members of the Commission's Joint Investigative Team had been informed of the developments; HR/97/35.

¹⁵⁴A/51/942.

¹⁵⁵August 29, 1997 letter by Secretary-General Kofi A. Annan to President Laurent-Désiré Kabila.

¹⁵⁶September 6, 1997 letter from Laurent-Désiré Kabila addressed to the Secretary-General.

Kabila took power, and to the eastern part of the country. In addition, the government insisted that its own team participate in the investigation.

Having by then spent three weeks in Kinshasa without being able to conduct its work, the team decided to test the limits of government compliance. A few members traveled to a refugee camp in Congo-Brazzaville and, on September 13, the team attempted to purchase plane tickets to Mbandaka, in the northwestern part of the country, where a massacre was alleged to have occurred in May. The travel agent refused to sell the tickets and said it was acting under instructions from the government. Meanwhile, the government presented the U.N. with a budget request for \$1.7 million to pay the costs of its own team to accompany the investigators, including a per diem payment of \$700 for each Congolese member.

On September 16, Minister Mbaya, designated as the government's chief liaison with the team, invited its members to a meeting which turned out to be a media event complete with journalists and five television cameras. The minister informed the team that they were not authorized to go to Mbandaka and, further, should not attempt to go. The minister also read a press statement in which he reiterated all previous government objections and demands, including those related to the time, space, and budget.

Secretary-General Annan and Ambassador Richardson continue to make public statements putting pressure on Kabila to cooperate. Ambassador Richardson recently declared:

We very much wanted to give him the benefit of the doubt and to help him, but when it appears that his government turns its back on important international commitments made to the international community, he leaves us with few options.¹⁵⁷

Following a series of phone and direct contacts between the secretary-general and members of the Congolese government, on October 1, 1997 the secretary-general decided to summon the leaders of the team to the U.N. headquarters in New York for consultations. The forensic and human rights experts remained in Kinshasa as of this writing.

After the Rwandan genocide, the international community insisted on justice for the victims. It has encountered many financial and logistical problems in carrying out that commitment, but its efforts have been made easier because those responsible for the crimes had been defeated. Because the ADFL has been victorious, international actors are finding their commitment to justice complicated by a desire to ensure future good relations with the authorities who may well be charged with serious violations of international law. It remains to be seen if they will realize that firmness in demanding justice does not require ignoring the objectives of stability and prosperity for the region but rather is the best way of promoting those goals.

ACKNOWLEDGMENTS

This report was written by Scott Campbell, a consultant to Human Rights Watch/Africa/FIDH, on the basis of interviews and research conducted in Congo and elsewhere in the sub-region in July/August 1997. Joanna Weschler, U.N. Representative of Human Rights Watch, contributed to the writing of the report. The report was edited by Peter Takirambudde, Executive Director for Africa at Human Rights Watch, Alison DesForges, consultant to Human Rights Watch/Africa, Janet Fleischman, Washington Director for Human Rights Watch/Africa, and Peter Bouckaert, Orville Schell Fellow at Human Rights Watch/Africa. Ariana Pearlroth, Elizabeth Reynoso, and Patrick Minges provided production assistance.

¹⁵⁷Editorial, "Cloud Over Congo," *Washington Post*, September 1997.



Human Rights Watch World Report 1998

THE CHILDREN'S RIGHTS PROJECT

Developments in Children's Rights

Abuses that uniquely affect children pose particular challenges for human rights action. Research requires new and specialized methodology; the assessment and development of policy options must address the special circumstances and vulnerabilities of children in need and the problems they confront; and to raise awareness, build coalitions, and bring about change, unique campaigning initiatives are needed. The range of abuses requiring attention include those carried out by governments as well as those in which governments do not exercise due diligence in protecting the rights of the child. Abuses by armed opposition groups are also crucial children's right issues, not least the use of children as soldiers.

Effective work toward an end to the abuses that expressly affect the rights of children requires devising innovative research and advocacy strategies, drawing on strong partnerships with local activists world-wide in their formulation and implementation. A crucial goal of an effective program for the rights of children is to bring international and national children's groups together with the larger human rights community.

In 1997 children continued to be victimized and exploited around the world. In some countries, eight-year-old children were forced to become child soldiers; some were forced to beat or hack other children to death. In other countries, five and six-year-old children worked as bonded laborers, laboring in dreadful conditions for long hours to try to pay off loans made to their families. In many countries, children were routinely beaten by police officers, arbitrarily detained, and sent without due process to appalling institutions that provided no education or rehabilitation, while governments and the general public ignored their distress.

These are just some of the children's rights issues that required research and action for change in 1997. The sections that follow examine some of the unique human rights dimensions of the issues of child labor, child soldiers, street children, and juvenile justice, drawing from the work of Human Rights Watch in these areas over the past year.

Child Labor

My sister is ten years old. Every morning at seven she goes to the bonded labor man, and every night at nine she comes home. He treats her badly; he hits her if he thinks she is working slowly or if she talks to other children he yells at her. He comes looking for her if she is sick and cannot work. All I want is to bring

my sister home. For 600 rupees I can bring her home. But we will never have 600 rupees.

- Lakshmi, a nine-year-old beedi (cigarette) roller in Tamil Nadu in India, in an interview with Human Rights

One of the most alarming trends in contemporary armed conflicts is the reliance on children as combatants. An estimated quarter of a million children under the age of eighteen serve as soldiers in government forces or armed opposition groups around the world. Children as young as eight are being forcibly recruited, coerced, or induced to become combatants, targeted to become soldiers because of their unique vulnerability as children. Their emotional and physical immaturity make them particularly malleable and easily susceptible to psychological and physical control. Manipulated by adults, children are drawn into violence that they are too young to resist, while they are too young to appreciate and cope with its consequences.

Children are recruited in a variety of ways. Some are conscripted, others are forcibly recruited, press-ganged or kidnaped and literally dragged from their homes, schools, and villages. Some families offer their children for military service, driven by poverty and hunger, and sometimes children become soldiers simply in order to survive, when their families are dead or the children have become lost or separated from their families. Without other means of support, for some children becoming a soldier may be a means of guaranteeing meals, clothing, and security in troubling times.

Child soldiers perform a variety of duties, ranging from support functions as cooks, porters, messengers and spies, to actually fighting as combatants—due in part to the increased availability of light weight, simple to operate, and inexpensive automatic weapons. Girls are also often forced to provide sexual services to other soldiers. Whether serving in support functions or as combatants, all children are likely to find themselves at times in the midst of heated battle, where their inexperience and physical immaturity make them particularly vulnerable to injury and death.

Even after children are demobilized, their future is often tragically bleak. Effective planning and long-term support for demobilized children is essential for the meaningful reintegration of children into their families and into civilian society. In addition to meeting children's immediate physical, emotional, and psychological needs, children must be equipped with the skills and education necessary in order for them to survive and live productively as civilians. This is true for all children, but especially so for those who remain separated from their families or whose families have been killed or whose whereabouts are unknown. Without families that are able and willing to accept, support and nurture the children upon return, prospects for their future are especially grim without strong government and community support.

Children were used as soldiers by all of the warring factions in Liberia's long civil war, including the National Patriotic Front, led by Charles Taylor, whose election to the presidency in July 1997 appears to have brought an end to the conflict. In 1994, UNICEF estimated that some 10 percent of the 40,000 to 60,000 fighters were children under the age of fifteen. A major challenge in the rebuilding of Liberia will be the rehabilitation of tens of thousands of children—traumatized by their experiences as child soldiers and cut off from any access to education in their formative years—so they can become a part of civil society. In southern Sudan, the long war between the (Muslim) Khartoum government in the north and (non-Muslim) southern secessionist movements continued. The southern rebel movements, in particular the Southern People's Liberation Movement (SPLA), continued their longstanding practice of mass abductions of young boys, for indoctrination and mobilization as child soldiers, and the employment of children in combat. At the same time, the abduction of children by Sudanese government troops and government-backed militia, for child soldiers or sale as slaves, continued to be reported.

The abduction of children by the northern Ugandan opposition group calling itself the Lord's Resistance Army (LRA) is only the most recent situation of the exploitation of child soldiers to be the object of intensive human rights field research and international attention. Over the past two years, between three and five thousand children have escaped from LRA captivity; a total of between six and ten thousand children were estimated to have been abducted. Former child captives who had managed to escape said that heavily armed LRA rebels abducted children as young as eight from their schools and homes, and forced children to march to rebel base camps in southern Sudan, carrying heavy loads, without rest and with very little food and water. Children who protested, or who could not keep up or attempted to escape, were killed, often by other child captives who were forced to participate in killings as a means of breaking their spirits and initiating them into the ways of the LRA. In Sudan the children received rudimentary military training and were armed and sent into combat. The children were forced to fight against the Ugandan government army and against an armed Sudanese rebel group. They were forced to loot and destroy villages and to abduct other children, during the course of which they often became involved in combat. Abducted girls, in addition to performing duties as servants, cooks, and sometimes fighters, were also given as "wives" to LRA soldiers. The abducted children became virtual slaves; their labor, their bodies, and their lives were all at the disposal of their captors.

Those who were lucky enough to escape or be captured alive by the Ugandan government soldiers faced a harsh reality upon their return to civilian life in Uganda. With many of their family members dead, displaced, unlocatable, or fearful of

having the children return home, many children found that they had nowhere to go and no means of supporting themselves. In addition to dealing with severe emotional and psychological trauma, malnourishment, disease and physical injuries suffered while in captivity, many children faced worries about their basic survival- how they would feed, clothe, and shelter themselves.

Street Children

We didn't sleep at all last night. That's why we're sleeping now, during the day. Night is the most dangerous for us. The police come while we're sleeping and catch you off guard, and grab and hit you. They'll take you to Makadara court and then you'll be sent to remand [detention] for months. Last night there was a big roundup and we had to move so many times to avoid being caught. There was a large group of police in a big lorry, driving around, looking for kids. They're cleaning up the streets now to prepare for the Nairobi International Show [an annual international commerce and trade fair held in Nairobi] .

-Moses, a Nairobi street boy, interviewed by Human Rights Watch in Nairobi, Kenya in September 1996.

Street children throughout the world have been subjected to physical abuse by police or been murdered outright, as governments have treated them as a blight to be eradicated-rather than as children to be nurtured and protected. They were frequently arbitrarily detained by police simply because they were homeless, or charged with vague offenses such as loitering or vagrancy, or petty theft. They have been tortured or beaten by police and often held for long periods in poor conditions. Girls were sometimes sexually abused, coerced into sexual acts, or raped by police. Few advocates have spoken up for these children, and few street children have had family members or concerned individuals willing and able to intervene on their behalf.

The term street children refers to children for whom the street more than their family has become their real home. It includes children who might not necessarily be homeless or without families, but who live in situations where there is no protection, supervision, or direction from responsible adults.

While street children have received a fair amount of national and international public attention, that attention has been focused largely on social, economic and health problems of the children-poverty, lack of education, AIDS, prostitution and substance abuse. With the exception of the massive killings of street children in Brazil and Colombia, often by police, which Human Rights Watch reported in 1994, very little attention has been paid to the constant police violence and abuse from which many children suffer. This often neglected side of street children's lives has been a focus of Human Rights Watch's research and action.

The public view of street children in many countries has been overwhelmingly negative. Police round ups-or even murder-of the children, as means to get them off the street, have had public support. There has been an alarming tendency by some law enforcement personnel and civilians, business proprietors and their private security firms, to view street children as almost sub-human. In several countries, notably Brazil, Bulgaria, and Sudan, the racial, ethnic, or religious identification of street children has played a significant role in their treatment. The disturbing notion of "social-cleansing" has been applied to street children even when they were not distinguished as members of a particular racial, ethnic, or religious group; branded as "anti-social," or demonstrating "anti-social behavior," street children have been viewed with suspicion and fear by many who would simply like to see street children disappear.

In India, Kenya and Guatemala, police violence against street children was pervasive in 1997, and impunity was the norm. The failure of law enforcement bodies promptly and effectively to investigate and prosecute cases of abuses against street children allowed the violence to continue. Establishing police accountability was further hampered by the fact that street children often had no recourse but to complain directly to police about police abuses. The threat of police reprisals against them served as a serious deterrent to any child coming forward to testify or make a complaint against an officer. In Kenya, Human Rights Watch worked with NGOs and street workers to encourage the establishment of a network for documenting and reporting police abuses against street children, and to follow up on individual cases. Yet even in Guatemala, where the organization Casa Alianza has been particularly active in this regard and has filed approximately 300 criminal complaints on behalf of street children, only a handful have resulted in prosecutions. Clearly, even where there are advocates willing and able to assist street children in seeking justice, police accountability and an end to the abuses will not be achieved without the commitment of governments.

Street children make up a large proportion of the children who entered the criminal or juvenile justice systems and who end up being committed, often without due process, to correctional institutions. Street children who entered the criminal

Guatemala's Forgotten Children: Police Violence and Arbitrary Detention, 7/97

Juvenile Injustice: Police Abuse and Detention of Street Children in Kenya, 6/97

Slipping Through the Cracks: Unaccompanied Children Detained by the U.S. Immigration and Naturalization Service, 4/97

Burma: Children's Rights and the Rule of Law, 1/97

This page last modified 04/09/2001 18:24:05

Human Rights Watch

350 Fifth Ave 34th Floor

New York, N.Y. 10118-3299

(212) 216-1219

THE REPUBLIC OF UGANDA

TRAINING AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF UGANDA

AND

THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF

CONGO

FOR

THE TRAINING IN PUBLIC ORDER FOR THE POLICE OF

THE DEMOCRATIC REPUBLIC OF CONGO

THIS AGREEMENT is made this.....day of.....
1998 between THE GOVERNMENT OF THE REPUBLIC OF UGANDA
represented by the Ministry of Internal Affairs, of P. O. Box 7191, Kampala,
Uganda (hereinafer called the "trainer") of the one part;

AND

THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO
represented by the Ministry of Internal Affairs (hereinafter called the "recipient")
which expression shall where the context requires, include their lawful successors, of
the other part.

NOW THEREFORE IT IS HEREBY AGREED AS FOLLOWS:-

ARTICLE 1

OBJECT OF THE AGREEMENT

The recipient agrees to receive and the trainer agrees to provide training for the
Congo Police in Public order.

ARTICLE 2

DUTIES OF THE TRAINER

The duties of the trainer shall be:

- (a) Provision of twenty Police Instructors
- (b) Provision of training equipment for the first initial training.

ARTICLE 3

DUTIES OF THE RECIPIENT

- (a) Provision of return airfare and airport tax to the instructors
- (b) Provision of a training institution with adequate facilities
- (c) Provision of secure and adequate accommodation for the instructors

- (d) Provision of training equipment for public order handling after first initial training.
- (c) Provision of inland transport for the instructors
- (d) Provision of meals to the instructors.

ARTICLE 4

SUPERVISION AND DISCIPLINE

- (a) There shall be a team leader of the instructors who will supervise the others in liaison with one officer from the Congo Police.
- (b) The team leader of the training team shall be responsible for the immediate command, discipline, efficiency, administration and security control of the team.

ARTICLE 5

DURATION OF TRAINING

- (a) The training shall be carried out within a period not exceeding 31st December, 1998 subject to review by both parties.
- (b) The trainer shall perform the required training and must achieve the required objectives within the specified period.

ARTICLE 6

COMMENCEMENT OF THE TRAINING

Performance under this Agreement shall commence immediately upon execution thereafter.

ARTICLE 7

STANDARD OF PERFORMANCE

- (a) The trainer shall carry out the training with due diligence, efficiency and in accordance with accepted training techniques and skills applicable in training institutions.
- (b) The trainer reserves the right to withdraw an individual member of the team or all of them.

ARTICLE 8

ALLOWANCES

- (a) The recipient shall pay US \$ 70 per day as allowance for each instructor upon signing of this agreement or as agreed otherwise by both parties on a periodic basis.
- (b) Members of the training team shall be exempt from income tax by the Democratic Republic of Congo on their allowances or any other form of direct taxation.

ARTICLE 9

MEDICAL FACILITIES

The recipient shall take responsibility for providing free suitable medical services to the training team.

ARTICLE 10

TERMINATION OF THIS AGREEMENT

- (a) i This agreement shall terminate:
 - When all the obligations by either party herein contained have been fulfilled.
- ii By either party after giving fourteen days written notice to the other party.

- (b) Upon termination of this Agreement, or upon the expiration thereof, all rights and obligations of the parties hereunder shall cease, except such rights and obligations as may have accrued on the date of termination or expiration.
- (c) Upon termination of this Agreement, both parties shall take all necessary and reasonable steps to bring the obligations hereunder to a close in a prompt and orderly manner.

ARTICLE 11

LAW APPLICABLE

This Agreement shall be governed in all respects by the laws of the Republic of Uganda.

ARTICLE 12

LANGUAGE

The language according to which this Agreement is to be construed, interpreted and implemented is English.

ARTICLE 13

SETTLEMENT OF DISPUTES

Any dispute or differences arising out of this Agreement shall be settled amicably, failure of which it shall be settled by arbitration in accordance with the Arbitration Act, of Uganda.

ARTICLE 14

NOTICES

- (a) A notice, request or consent required or permitted to be given or made pursuant to this agreement shall be in writing.

Any such notice, request or consent shall be deemed to have been given or made when delivered in person to an authorised representative of the party to whom the communication is addressed, or when sent by registered mail, telex, telegram or fax to such party at the following address:-

For the Government of the Republic of Uganda:-

The Inspector General of Police,
Police Headquarters,
P. O. Box 7055
Kampala.

Telex 61194 Fax: 345035

For the Government of The Democratic Republic of Congo:-

The ambassador of the Democratic Republic of Congo,
Kampala

IN WITNESS WHEREOF, the authorised representatives of the parties have signed this Agreement on the date and year first above written.

SIGNED

.....

(FOR AND ON BEHALF OF THE GOVERNMENT OF THE REPUBLIC OF UGANDA)

WITNESS:

.....

SIGNED:

.....

(FOR AND ON BEHALF OF THE DEMOCRATIC REPUBLIC OF CONGO)

WITNESS:

.....

DATE: 6TH FEBRUARY, 1998

SUBJ: SECURITY / MILITARY SITUATION IN EASTERN CONGO-RWENZORI, MUTWANGA BULONGO BENI, OICHA, MBAU, ERINGETI, HAUT-CONGO - BUNIA, BOGORO, BOGA GETI, ANDTCHABI (27TH JAN. - 4TH FEB. 1998).

SOURCE(S) DESCRIPTION: MULTI-SOURCE:

Military Commanders, Government Official, Chiefs and Case Officers' findings in the Field

TEXT:

1. RECENT JOINT OPERATIONS AGAINST ADF /NALU:

On 31/01/98 UPDF and Army Nationale Congolese (ANC) mounted an operation in Rwenzori collectivity and hit the enemy at KAMANYU where there were three enemy camps adjacent to each other. UPDF lost one soldier and two were injured. The camps which were hit are Ngingi, Bukira, Busolo, Kasale, Kighuthu, Buhira, Murambi, Kamunyu and Kakabu. TKASALE and KIGHUTHU are not yet occupied by the army (UPDF + ANC). In Bukira most of the rebel leaders are reported to be there. The hit rebel camps territory are under the occupation of UPDF and ANC - Army National Congolese.

In the on going joint operations of UPDF and ANC against the enemy the Two Forces are operating separately - differently. They (UPDF and ANC) are not under one Central - Commander. It is evident that ANC - AFDI have poor Commanders who are inexperienced and lack commitment.

There is lack of facilitation to the guides - reickers - pisters in operational areas. This has demoralised them which would jeopardise success of the operation. The guides are Congolese who identify routes, paths hideous and time of the enemy to get goods.

There is reported information that UPDF executes deliberate delays to keep the operation going on due to the operational funds they are receiving.

2. ENEMY LOCATIONS :

The enemy ADF, / MAYI and Interahamwe operating in the Mountains are reported to be KILIBATA above Lume where Yones Kisokerahio has four sons who are fighting with him. The Camps are Buhanga, Tunge, Kamunyu, Kayimbi, Kafaliso, Lugetsu, Lume and Bu hira. The enemy is moving in the lower lands of the Mountains of the National Park with intentions of escaping to Batanginge Via River Semuliki. KARURUMA in Semuliki Valley is occupied by the enemy.

3. ATTITUDE ON ANC (FORMERLY AFDL) IN THE JOINT OPERATIONS (MENTALITY).

There has been propaganda / belief amongst ANC Soldiers, some of their Commanders that the enemy is for Uganda, therefore they should not die for nothing. This led to desertions from the battle front by ANC - soldiers. Mid January, 1998 25 ANC ran away in Mutwanga leaving Major Kasereka the Commander alone. A road block was set-up at river Semuliki - bridge to arrest those running from the ~~front~~-line.

A well placed security personnel in Beni revealed that Major Entienne Kasereka then Battalion Commander of 105 Battalion based in Beni was an accomplice in Lume his home area and led to death of 17 UPDF Soldiers.

Kasereka is a Munande - born in Lume, he is a weak Commander who does not take action against his troops who are involved in indiscipline act. His second in Command (21C) based at Kasindi - Commander Eric Habimana (Nyamuenge) is vigilant good at enforcing discipline amongst his troops.

On 3/02/98 Col. James Kabarebe the Army Chief convened a Meeting in Beni and explained to ANC and their Commanders that the enemy in Rwenzori Mountains is not a Ugandan problem as propagated by negative elements. Col. Kabarebe cautioned those who are not willing to fight to surrender their Uniform or join the enemy in Rwenzori Mountain aware that those who will join the enemy will be followed there. This explained to ANC to notice that they should fight the war because it is on Congo territory.

Col. Kabarebe toured from Beni, Mutwanga and Kasindi basically to raise the morale of the army in the operational area.

4. MEASURES TAKEN BY DRC / MILITARY LEADERSHIP IN THE OPERATIONAL AREA - RWENZORI.

On 3/2/98 there was arrival of a mixture of a new troops - ANC comprised of both former ex-FAZ and newly recruited ANC - Soldiers. They were two battalions for re-enforcing the old battalion which was based in Beni (105 battalion). The new plan of action was to withdraw the previously fighting battalion and freshly re-deploy the newly brought 2 battalions in a bid to flush out insurgency in the Rwenzori Mountains. The platoons and sections were to be based in the operational battle areas not in Beni town as previously was the case.

LOGISTICS: Fifty (50)

Four wheel Landcruiser vehicles were brought through Mahagi to Beni meant for use in the operational area. Officers from Kinshasa came with instructions to distribute them.

5. DISCIPLINE / INDISCIPLINE.

It was reported that UPDF in the operational area has exhibited exemplary discipline. The Wanainchi in areas where rebels have been ~~finished out~~ are harmoniously cooperating with UPDF. i.e in Kamango, Buswagha under the commander of Major Okello Francis is liked by Chiefs and Wanainchi.

ANC: This army in the operational ^{area} consists majority of EX-FAZ who still harass Wanainchi, rob Wanainchi's property i.e. goats, Chicken, Coffee and money. In Maboniyo barracks extortions are made at Semuliki road block demand for money is the target from travellers and the public.

On Friday 30/1/98 in Lubiruha Market, ANC-Soldiers on receipt of their payment in Nwe-Currency notes of Neaveaux Zaire caused chaos in the market which led to Wanainchi running for their life. Money chagers in the market were forced to exchange on rates which were not favourable to them. The ANC Paying Officer had an interest in pocketing the difference.

6. BUNIA -HAPI CONGO (ORIENTAL).

There was a COY of ANC - Soldiers stationed in Bunia - Township. This Coy was of a force of 39 soldiers. This left the rest of the vast parts of Irumu - territory empty subject to be sanctuary for the fleeing enemy from the Rwenzori mountains which was under pressure i.e Bagoro, Kisenyi,

District, vulnerable for enemy sanctuary.

In Boga and Thabi collectivity, there are air fields which are used by small Aeroplanes i.e MAF Missionary Aviation Friendship. Boga and Thabi are 25 kms to Uganda-Bundibugyo - Rwebisengo border. The Boga airfield is mostly used by the Anglican Diocese of Archbishop GRACE - NJONJO.

7. REFUGEES:

There are 895 displaced Ugandans in Mutwanga in areas of Kikura, Bulongo, Lume and Kamango. Formerly they were 1914 majority. have returned to Uganda.

In Bunia Town there are 250 Ugandans of 46 families majority are Nubians, West-Nilers and Moslems some of them are willing to return home.

In Boga, there was formely 3000 Ugandans and Congolese displaced. Majority have returned leaving 334 Ugandans i.e. 75 men, 100 women, 96 boys and 75 girls of Bamba / Bakonjo tribe at KINYANJOJO Budundu Settlement. The 334 are willing all to return home and the easiest way is to use a helicopter i.e 3 trips because Boga is very far to use the vehicle and impassable.

8. TRADE:

Eastern Congo is a potential practical market for Uganda products. The Visa was normalised at 20 dollars for Nationals of both Countries, Tarrifs for Congo are to be harmonised - Centralised, free-border trade was encouraged and Kasindi Market was agreed upon to be alternating to either sides of the two Countries.

COMMENTS / RECOMMENDATIONS.

1. Note that Boga, Tchabi, Geti, Isula, Kasenyi and Bunia are vast parts of DRG and Uganda border and yet the pursued enemy ~~from the pursued enemy~~ from the Mountains is travelling along Semuliki River to Kachanga, Watalinga which are void of ANC Soldiers. Hence there is need for deployments of ANC Soldiers in those areas.
2. There is need to use a simultaneous military and politisation - mobilisation approach of target groups i.e. Commissar de zones, Chiefs and Wanainchi,
3. Frequent visits by the Senior UPDF Officers in the joint operational area is vital. This morale boosts the troops and assesses the progress of the operation.
4. The issue of recognition, token to guides is crucial.
5. Bunia Station needs deployment of an Officer preferably under cover. This officer should have attributes of tribes bordering there. e.g Lugbara, Aruru, Acholi or Swahili speaking.

BENI: The network is in place it needs facilitation for routine follow-ups.

Le 13/02/98

Dear Moses, 0-1

SITUATIONAL REPORT

Rebel activities

On 31/1/98 Rebels ^{abducted} killed 2 people on bicycle from Kasi at ~~Kadamba~~ ^{Ishabiro} Kadamba-Kotungu along Beni-Kasindi road. They

At about the same spot, on 6/2/98 rebels killed ¹² 9 people (8 men & 4 women) in a blue Mini-bus travelling from Beni to Kasindi, at about 9 A.M. 6/8 people escaped with bullet wounds, their property looted and the bus set on fire.

ARMY OPERATIONS:

- Earlier on, on 31/1/98 Gov't forces (UPDF & ANG) hit enemy camps at KAMUNGU where three enemy units were hit and arms recovered. UPDF lost one soldier and 2 injured.
- The enemy is trying to escape to Batankige and the National Park. They are confirmed to be at KAMUNGU now. They have been pushed high in the mountains and are said to have crossed in big numbers to Ugandan side of the mountains. This is yet to be confirmed.
- Camps so far hit include: 1. Ngongi 2. Bukira 3. Busuloto 4. Kasa 5. Kighytha 6. Buhira 7. Murambi 8. Kakayabu and 9. Kamungu. Most of these camps have been occupied by Gov't forces.

Camps which still belong to the enemy include: -

1. Buhanga 2. Tunge, above Kamungu; and 3. Kayenbi and 4. Kapahoi. The two (4 & 5) are still believed to be the arms depot and operational headquarters of the enemy.

Arms and Ammunitions & Enemy Forces

- It still remains a problem to determine the numbers of the enemy forces. The reason is that ADF for mainly Tablighi and NALU mainly non-Muslims, maintain different camps and even only commanders are allowed to

Supplies to the enemy:

- There is no known source of arms supplies of drugs to the enemy.
- I am not yet able to establish the story about money & arms supplies from Narok - Baringo - Bureti - Baringo Lume. The problem is that the Zone/District Security Committee is incompetent and they fail to pick up ideas as how to work with the army to fight the enemy.
- Food is mainly from people's shambas.

Soldiers' behaviour

- UPDF has shown exemplary behaviour.
- ANC still has habits of old FAZ of looting and robbing and harassing the people. The people therefore are distanced from the forces. At some places like Luseke, ANC did eat all people's goats & hens after the NATU had done the same.
- The soldiers are mainly from outside N-Kivu region and they use Lingala which some people don't speak. There is misunderstanding and so on many occasions soldiers tell the public that the enemy "is" WATOTO YENYU, MUTICHE KUTUSUMBWA.

ANC has not been effective on the ground and the reasons could be possibly (a) lack of experience in fighting or (b) negative mentalite that the enemy belongs to Uganda.

Peoples' Attitude. The population generally feels the war should end quickly. They have begun realising, following the mass murder of nine people on 6/2/98. They have realised Mobutu's policy was dangerous to them, when he requested/ordered the leaders and the population to cooperate and assist the NATU to hit Uganda. The people have started revealing some information now.

The population in Lume, Mutaga, and Kasudi, Bulofo and in Beni, is generally disappointed. The former Operational Brigade Commander, Col. Ebamba, has been posted back here as the Brigade Commander, plus many of the former officers. This officer was directly in charge of NATU - Organisation, Training, Finance Control &

Operations up to the last moment Ntini attacked Uganda
on ~~13/11/96~~ 13/11/96 at Bwera!

- People are wondering if he is not coming to fuel supply
the enemy with arms & ammunition especially when
among the enemy we have some FAZ, and those also
the behaviour displayed by the soldiers (ANC) still shows
that ~~they~~ ^{they} are not politicised. Even if he is a changed
man it's not easy to convince the public, or not even
and serious ~~person~~ person can be sure that he can still
use the chance to organise war or jail Govt.
It would be best if he was removed immediately
together most FAZ who ~~are~~ ^{are} here and now dominant
the current forces here.

How can the rebel problem end?

During the first week of this month, I managed to be in the
field in Lume, Mutunga, and I came up with the following
suggestions how to end the problem:

1. Increase No of Combatants especially effective ones like UPAT
so that operation is arranged such that 4 groups will start
at the same time - from Ligeze, Kuddli, Buswaga and
Kiribatha leaving no ^{chance} for the enemy to escape, and
push him higher in the mountains where there is no food.
Then forces would occupy strategic routes from the mountains
2. As a last resort, destroy all the food existing in the mountains, since
people have already ran away.
3. Create a Local defense forces in the operational area to assist the ^{Army} ~~enemy~~.
The advantages of such a force are many & obvious.
4. Identify and remove from the population all Collaborators
of the enemy.
5. Facilitate the guides/Pistours with something small like soap to
help their families. The importance of guidances in Army operations
is great, and yet at the moment they are greatly demoralised.
6. Zone leaders should ~~be~~ continue with sensebilitation ^{programs} ~~programs~~
among the populations. ~~These~~ This is not a culture known among
Congolese leaders. I am trying to arrange meetings in the
mountains, but without any means of transport, ^(Fuel) and other
requirements.

7. ANZ and Zone Administrations should be facilitated with transport and funds for operations, since this being an operational area, priority should overrule.

8. Roads to the operational areas - should be improved on to enable an easy movement of the soldiers and other personnel.

N.B.: I am writing all these because I expect you to influence Kampala so that they influence Kinshasa in return.

N.B.: 1. There are no blazings at all in Mukwanga.

2. Get into contact with ~~Kabanda~~ Mrs Christine Mukindo, she let you connect us when she is next in Kasere - she knows someone who can help us get Kabanda one of the NATU Commanders who is seen in K'la & Nairobi quite often.

3. My motorcycle is lacking a few spares like
a) ^{Timing chain} Points, b) Mudguard, c) Piston rings. Steven promised some, but I don't see where I can buy the Points for Honda 200 cc.

4. If you have any funds to pass to me, please give to the bearer of this letter.

5. The situation along Kasindi road is not good, and I have suspended my movements for a week or two.

6. Attached find my reports about Karimu & Steven.

7. I am continuing with the identification of more collaborators and I have found many although in the process, ^{my} personal security is not guaranteed.

N.B. - I hope Steven or Goma gave you copies of my reports about Steven & Karimu - the rebel collaborators.

Y/S SANTOS

**PROTOCOL BETWEEN THE DEMOCRATIC REPUBLIC
OF CONGO AND REPUBLIC OF UGANDA ON
SECURITY ALONG THE COMMON BORDER**

Upon the invitation of His Excellency the State Minister and Minister of Interior visited Kinshasa from 24th till 27th of April within the framework of a bilateral meeting between the DRC and the Republic of Uganda.

This meeting is a logical follow up the first two which took place in Kinshasa from the 11th till the 13th of August 1997 and in Kampala from the 6th till the 7th of April 1998.

The two delegations pursued their discussions on the preoccupy situation that prevails along the common border.

- In order to put an end to the existence of the rebels groups operating on either side of the common border, namely in the Ruwenzori,
- Whereas the two delegations would like to see their people live in peace in accordance with the will expressed by the two Heads of State to guarantee and strengthen peace, security and stability in the Great Lakes Regions; which are important factors for the social and economic development;
- Given that an in-depth-analysis of the military, security and immigration aspects has been done.

The following two parties agreed as follows:

Concerning the Military

The two parties recognised the existence of enemy groups which operate on either side of the common border. Consequently, the two armies agreed to co-operate in order to insure security and peace along the common border.

As security services

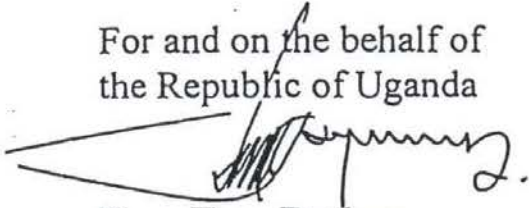
The two security services concurred on the strengthening of their co-operation.

In so far as immigration is concerned

The two parties agreed to convene a meeting of the relevant authorities in order to set up an adequate mechanism to allow for free movement of people and goods.

Done in Kinshasa,

For and on the behalf of
the Republic of Uganda



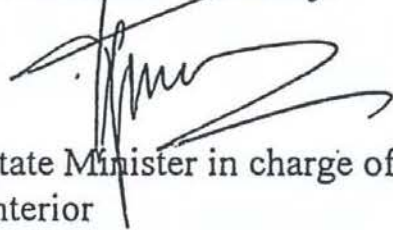
Hon. Tom Butime

Minister of Internal Affairs

For and on the behalf of the
Democratic Republic of Congo



H.E. Gaëtan Kakudji



State Minister in charge of the
Interior

C O N F I D E N T I A L

UPDF
2 DIV TAC HQS
KASESE.

THE DIV I.O
2 DIV TAC HQS
KASESE.

270900c Jun 98

CAPTURED ADF REBEL, ADF 104; TUKORE FRED.

NAMES: TUKORE FRED
AGE: 25 YRS
RANK: PTE
CAMP: KAMBASA - B'GYO
PLACE OF BIRTH: KITAGATA - MAREMBO
RESIDENCE: KYAKASA - MUBENDE DISTRICT
S/O: LATE AUGUSTINE KANYANKOLE
MOTHER: MARGRET KYOGAMBIRWE
MARITAL STATUS: SINGLE
DATE OF JOINING ADF: 17 AUG 97
RECRUITED BY: JOHN MUHWEZI(BROTHER)

Introduction:

1. The above mentioned rebel claim to have been recruited into the rebel camp by his brother J. Muhwezi who owns a local bar and a shop in the centre of Kyakasi. These are manned by the wife, Kedress Kyomuhangi, black with only 2 boy children. This captive was arrested while on his recce journey to Ibanda. He accepts having taken part in the Kitwamba T/college attack where many students were brutally burnt to death and others abducted.

2. Kitwamba attack:

According to this rebel captive, Kitwamba was attacked by a group of 100 rebels divided into three(03) groups and prongs as follows:-

- a. 24 staged an ambush on the way to Kitwamba T/college to further act as a cut-off force.
- b. 36 attacked the t/college with 08 jellicans of petrol which they had got from Karugutu.
- c. 41 attacked Kanyamura dett of 11 Bn.

NB:-This group stemmed from Kambasa camp where there is an enemy defence of about 114 rebels.

- This offensive had Lt Kyarigonza as the overall comdr.

3. <u>Commanders:</u>	<u>Detts(camps):</u>	<u>Strength:</u>
a. Benz	Overall commander	Not known
b. Henry Matovu	2ic	150

C O N F I D E N T I A L

<u>Commander:</u>	<u>Det (camps):</u>	<u>Strength:</u>
c. Muhamad Muzei	Kakuka	100
d. Alex Mukulu	Kaindangoma	25
e. Kyeyune	Kaindangoma	25
f. Matovu	Kabango II	80
g. Yusufu Baluku	Mjume	97
h. Geoffrey Kyalingoza	Kamunyu	64
i. Kasimu Masereka	Kabango I	87
j. Cpl Kawesa Joseph	Kambasa	68

According to this rebel captive, there are very many cmdrs whose names he had not known. There are two lady comdrs; Kasifa and Rose Nabirumbi. Kasifu is about 25 yrs, short, brown, mid size and a Mukonjo by tribe. Rose Nabirumbi is tall, small, chocolate complexion and a Muganda by tribe. These two ladies are the intelligence staffs for ADF. Tukore Fred asserts that Kitcwamba t/college and the surrounding areas were reced by Kasifa who spent about 04 days around the same location..

According to this rebel captive, the following are suspected enemy hideouts:-

1. Kasanzi hill
2. Kabango "
3. Butama "
4. Kagugu "
5. Bunyamwera hills
6. Malindi "
7. Kakuka "

All the above have mobile forces codenamed Mobile I,II...VI with a task of making abductions for manpower, killing for popularity and discrediting gov't, snipping and ambushing own forces to demoralise our troops and attacking thin manned detts for arms, uniform and drugs. These 06 mobile units consists of about 25 rebels and dressed in Jja army green uniform for deception; not to be easily detected by the population.

4. Tactics/Mode of attack:

a. A recce party of about 04 - 06 rebels dressed either in civilian or Jja army green uniform conducts this near the targeted area.

b. In attack, they form either U or L shape which becomes quite hard for own forces to react adequately as the attacker has more initiative than the defender.

c. In all cases, they have a cut - off force laying in await to deny any reinforcement.

5. Command and its quality:

It is only the top brass who are trained but most of the junoir commanders are not to the standard .

C O N F I D E N T I A L

6. Intentions and Plans:

a. Attacking thin manned detts of Mpanga bridge, Kamwenge and Kamwenge police post, Kitwamba and the lowland populated areas, Purposely to make enough abductions, get life essential and forceful solicitation of support from the local population

b. Recruiting up to 2000 who will be used to launch bigger attacks after 04 months.

c. Getting more collaborators and sympathizers who will ease their supplies and routes.

d. Making an alliance with the Mai-Mai and other rebel elements around the great lakes region and plan and operate massively; capturing, dominating and holding ground.

e. Acquiring more high ranking army officers from FAZ. No so far as collaborators from this side are: Col Ebamba (Beni) and Col Mayala, Bde Comdr Bunia. These are to act as a go-between the rebels and the DRC gov't for logistical support and sactua in case the going becomes tuff.

7. ADF Routes:

a. Bunyamwera

b. Kilamia - Rwenzori forest - Kasese or Kabarole

c. Kagugu - Kakuka - DRC

d. Kagugu - Bulimba - Butama - Kabango - Kasanzi finally to Bwamba hills.

e. Mpocha forest - Ibuga - Rugendabara - Rwesanda - Kanya Mbata - Ndara - B'gyo or DRC.

f. River valleys of Ruimi, Semuliki, Nyamugasani, Hululu through Q.E.N.P at points between L. Edward and Bwera Mpondwe border town(The Kyabinyonge park route).

NB: The enemy at times cuts and creates new routes side by side to old ones dodging deployments on the ground.

8. Enemy Composition:

a. Muslim fundamentalists

b. Interahamwe (The defeated forees)

c. Fresh recruits(abductees)

d. Sudanese fundamentalists.

9. Collaborators:

a. JOHNSON MUGABI - Nyankole by tribe.

- Has a family in Kabingo before UEB sta
- Has a farm in Mabonwa few kms to Mbarara
- Has a wholesale merchadise shop in the
of Mbarara.

- Has a bedford Reg No. UXL 167 with a t
bonnet and cream coloured body which i
always seen in ADF camps bringing logi
and other supplies. This bedford tippe
often garaged at the t/centre after Ky

C O N F I D E N T I A L

The driver is tall, black about 35yrs with a long beard.

Johnson Mugabi is short, fat, brown and about 43yrs of age. He is believed to have a Star pistol which he got from ADF in May 98. Among items he passes over to ADF are:-

Recruits and Transport.

Uniform as on 18 May 98 using a minibus Reg No UXF 128.

Money and civilian clothes.

He is the head - co-ordinator of the western region. He also provides info to the rebel leaders like Matovu.

Johnson Mugabi claims to be a protestant but reality a moslem.

b. KAFERO MATIYA

- A taxi driver of minibus 543 UDB.
- He stays in Katsyamba 10kms on Mubende Rd.
- Has a conductor by the names of Byakatonda uman short, brown and about 25 yrs old.

c. BYANYIMA ASUMAN

- (Kamwenge)
- He is a Kiiga by tribe
- He has a w/talkie and often communicates with comdrs of ADF. He uses a call sign 1769. He has a radio charger and is responsible for charging of all ADF radios.
- He acts as a link between ADF camps and the lowlands for food, medicine and providing info on own forces deployments.

10. Arms & Ammos:

- SMG approx 3000 - 4000
- LMGs
- RPGs
- MGL
- G2
- 60mm Mortar

11. Conditions favouring ADF:

- a. Most places are rich in food
- b. Plenty of water
- c. Terrain (Nature of the landscape)

12. Logistical Backup - Support:

- a. Kenya (unverified)
- b. DRC (Confirmed)
- c. Sudan (" ")
- d. Within - Uganda collaborators (Confirmed)

Suggestions & Recommendations:

- a. Dominating all food areas and those which cannot be dominated be destroyed.

C O N F I D E N T I A L

- b. Blocking all supply routes and sources
- c. Mobilising the population to reduce on collaboration.
- d. Tightening security of docs, pers, property, eqpts through constant inspections.
- e. Developing new tactics - becoming more offensive than defensive.
- f. Mountain mopping.
- g. Eliminating all chances and means of ADF making alliances with other rebel factions in the great lakes region by keeping them apart.
- h. Increasing the detts strength to avoid being submerged.
- i. All levels of leadership should get committed and put alot of effort to resolving this insurgency.

Tukore Fred should face the Law of the Land. He took part in the Kitwamba attack on 08.06.98 where many students were brutally burnt to death and others abducted.

The execution and success of the above may see the end of the rebellion and insurgency in the western zone.

Solidarity,



PK RUBANIHA
2 Lt
I/C INVESTIGATIONS DE
2 DIV TAC HQ KASESE.

5 and last

C O N F I D E N T I A L



THE REPUBLIC OF UGANDA

STATEMENT BY

*H.E. YOWERI KAGUTA MUSEVENI
PRESIDENT OF THE REPUBLIC OF
UGANDA*

ON

**BACKGROUND TO THE
SITUATION IN THE
GREAT LAKES REGION**

*9 August 1998
Harare/Zimbabwe*

STATEMENT BY

**H.E. YOWERI KAGUTA MUSEVENI
PRESIDENT OF THE REPUBLIC OF
UGANDA**

ON

1. **"UGANDA'S INVOLVEMENT IN THE
WARS OF THE GREAT LAKES
REGION"**

2. **"DEALINGS WITH H.E. L. KABILA"**

**9 August 1998
Harare/Zimbabwe**

TABLE OF CONTENTS

1. FRONASA	1
2. AFTERMATH OF AMIN'S REGIME	2
3. THE REBELLION IN RWANDA	3
4. BACKGROUND TO THE ZAIRE (CONGO REBELLION) 1996/97	5
5. DANGER OF TARGETING ETHNIC GROUPS	16

UGANDA'S INVOLVEMENT IN THE WARS IN THE GREAT LAKES REGION AND MY DEALINGS WITH H.E. L. KABILA.

Our involuntary involvement in the conflicts of the Great Lakes Region beyond Uganda, starts, probably, in 1976.

FRONASA:

Since 1971 , FRONASA had been helping us in fighting Idi Amin through the clandestine recruitment of young boys; they took them to either Tanzania or the liberated areas of Mozambique for training.

Between 1976 and 1978, I, as a member of FRONASA was responsible for preparing one of such batches of trainees at Montepuez in Mozambique. In the process of gathering that particular group in Nairobi, three young boys were sent to me from Uganda by one of my comrades, Kahinda Otafiire. One of the young boys was, as it turned out, a son of Rwandese refugees that had been in Uganda since 1959, being part of the Diaspora that was generated by the first genocide in Rwanda of 1959, by Belgians. The boy was Fred Rwigyema (*guerre de nomme*) - alias Gisa.

The other two were Ugandans. This particular group that I trained in Montepuez, Cabo Delgado Province, Mozambique, comprised of twenty eight fighters. Needless to

state our eternal gratitude to FRELIMO and late Comrade Samora Machel , for this.

The Montepuez group helped me in creating a force of nine thousand fighters (by April 1979) that took part alongside our Tanzanian brothers (who put in a force of forty-five thousand officers and men) in expelling Amin and his criminal army, from Uganda.

AFTERMATH OF AMIN'S REGIME:

After the ousting of Amin, Uganda had an interim period of two years of political confusion and, eventually, the rigged elections of 1980. We, as revolutionaries, could not accept another round of rigging elections. This had been the failure of the constitutional dispensation of the 1960s. We launched our second war of liberation, this time on our own without external support being primary; different from the first anti-Amin war.

Starting with twenty-seven rifles, we eventually, built up a force of twenty thousand rifles, mainly captured from our opponents in the Obote regime. We, however, got a modest contribution of nine hundred rifles from President Muammar Gaddafi of Libya. Towards the end of 1985, we got a sizeable contribution of five thousand rifles from Mwalimu Nyerere, just before he retired. We had repaired our earlier misunderstandings with Mwalimu by this time.

We shall never forget such brotherly gestures from our Tanzanian brothers.

By January 1986, the National Resistance Movement took control of State power in Uganda. In the sixteen years, since the seizure of power by Idi Amin in 1971, eight hundred thousand Ugandans had died in extra-judicial murders.

By absorbing the myriad of security forces of the previous armies, militiamen plus fresh recruitment, we built our force to one hundred thousand officers and men in order to try and cope with the unstable situation in our area (Sudan, Mobutu's Congo, and others).

THE REBELLION IN RWANDA:

In our new army, in addition to Fred Rwigyema, the young Rwandese boy of 1976 (by that time a Major-General in our Army), there were about four thousand other officers and men of Rwandese origin - either part of the Diaspora of 1959 or earlier immigrants that had started coming to Uganda since 1910, mainly due to harsh Belgian rule or simply in search of economic opportunities. In addition to the Rwandese of the Diaspora and the Rwandese immigrants, there is a small community of Ugandans of Rwandese culture that had been incorporated in Uganda, as there were Rwandese of Ugandan culture (*Nkole-Kiga*),

that had been put in Rwanda by the colonial boundaries. However, the Ugandans of Rwandese culture did not participate in the fighting that developed in Rwanda, later. Four thousand soldiers of the Rwandese origin in the National Resistance Army of Uganda, started organizing under Fred Rwigyema. They told me of their intention to organize to regain their rights in Rwanda, which had been nullified ever since the 1959 genocide. Uganda rendered some modest financial assistance to these Rwandese soldiers but on condition that they exhausted political and diplomatic channels such as: petitioning the United Nations organization, the Organization of African Unity, the neighbouring countries and others, before resorting to a military struggle.

In October, 1990, however, these Rwandese soldiers, without prior consultation, escaped *enmasse* and invaded Rwanda while I was in USA, attending the U.N. Conference on the "Year of the Child". I immediately, contacted the late President Habyarimana of Rwanda and offered to assist him in restoring peace in Rwanda, provided he also agreed to have a dialogue with the Rwandese in the Diaspora, leading to a national agreement to eliminate the consequences of the genocide of 1959.

Numerous efforts were made to realise a dialogue between late President Habyarimana and the Rwandese in Mwanza, Arusha, Kyanika and others but there was no political will

to conclude this problem. The war continued. Faced with this *fait accompli* situation by our Rwandese brothers, who had invaded Rwanda without consultation, Uganda decided on a two course action:

1. To help the Rwandese Patriotic Front (RPF), materially, so that they are not defeated because that would have been detrimental to the *Tutsi* people of Rwanda and would not have been good for Uganda's stability.
2. To encourage the dialogue between President Habyarimana and the Rwandese in the Diaspora.

Unfortunately, the agreement did not occur. The fighting went on until the demise of President Habyarimana, the collapse of the Habyarimana Government and the genocide of about one million people.

BACKGROUND TO THE ZAIRE (CONGO) REBELLION 1996/97

After the defeat of the *Hutu* reactionaries, about one million *Hutu* refugees fled to Goma in Zaire (now Congo). Along them, went the whole former army of Rwanda (FAR) and the criminal *Hutu* militias that had killed people in Rwanda known as the *Interahamwe*. The late President Mobutu Ssesse Sseko decided to keep this mob right at the border, contrary to the United Nations' regulations

thereby posing a permanent danger to the population of Rwanda. Uganda and Rwanda called for the separation of armed elements from the non-combatants, to no avail. This set the stage for events that I will narrate later involving Congo-Kinshasa, then Zaire.

However, let me go back a bit to recollect my interaction with H.E. Laurent Kabila. Soon after our victory of 1986, Mr. Kabila came to see me in Entebbe. This was the first time for me to meet him. He was coming out of Tanzania where he had, apparently, lived. While in Tanzania, during the anti-Amin struggle, I had heard of Mr. Kabila, having some bases in the eastern mountains of Congo, around Kalemie, but I had never met him. He was introduced to me, by a Tanzanian Intelligence officer that I had known by the names of James Nzagi. Mr. Kabila wanted me to give him arms to fight Mobutu. I told him two things:

1. Uganda would not allow him to start operations on the Uganda-Congo border, given the prejudice that existed in the region against us having come to power through a protracted peoples' struggle. Some of the leaders thought that we were a bad example and that we would influence their own people;

In any case, at that time, the late President Mobutu had not yet given us cause to want to fight him. It is true, he

was mismanaging Congo; but it was not our duty to solve internal problems of other countries. Besides, we did not want to intensify that prejudice;

2. I offered to give him a few rifles if he could get a way of officially transporting them through Tanzania to his traditional base around Lake Tanganyika - that is beyond Burundi. In order to do this, H.E. President Mwinyi's consent had to be sought. Mr. Kabila however, failed to secure President Mwinyi's concurrence. We, therefore, did not proceed on the question of arms but I gave him a modest financial contribution apart from linking him with the Libyans to see if they could assist him in any way without involving Uganda.

When, however, the Rwanda Patriotic Front (RPF) captured power in Kigali, in 1994, Mr. Kabila returned to Uganda. By this time, the problem of the *Hutu* menace had emerged on the Rwanda border with Congo. I, therefore, advised Mr. Kabila to work with the Rwandese because they had a sharper quarrel with President Mobutu than ourselves, the fact that Mobutu was by now in active collaboration with the Sudanese, notwithstanding.

There was another Congolese who had contacts with me, by the name of Kissasse Ngandu (the late) whom I also referred to our Rwandese brothers. My aides forwarded

both Mr. Kabila and Mr. Kissasse to the Rwandese Vice President, Major-General Kagame.

Apparently, Major-General Kagame tasked the two brothers to recruit a force of Zairois (Congolese) to be trained by the Rwandese and be kept as a stand-by force to be used in case President Mobutu unleashed the *Hutu* criminals on the people of Rwanda for another round of genocide.

According to later information, Mr. Kabila and Mr. Kissasse did not succeed in raising the necessary manpower. When I later met Major-General Kagame, he informed me of his frustrations. Then, an idea occurred to me. I had heard that forty thousand *Masisi Tutsis* of Congo's Kivu province had been hunted out of their ancestral land by the Hutu reactionaries and President Mobutu's gangs; and had taken refuge in Rwanda.

I, then, suggested to Major-General Kagame to recruit a force of about one thousand two hundred soldiers from among the *Masisi Tutsis*, train them and make them part of the Rwanda Patriotic Army, in order to keep them as a stand-by force. Major-General Kagame liked the idea. In fact, thereafter, I forgot about it; but Vice President Kagame went ahead and operationalised the idea.

Meanwhile, the stalemate of the *Hutu* criminals and the

masses whom they had stampeded across the border persisted and grew worse. Having carried out the genocide against the *Tutsis* in Rwanda, the *Hutu* reactionaries now wanted to do the same in Kivu Province of Congo actively supported by Mobutu's administration. They had already uprooted the *Masisi Tutsi* as already pointed out. They now headed for another group known as the *Banyamulenge*, around Uvira. This must have been around August 1996 or thereabout. The next time I met Major-General Kagame, he informed me that he had, actually, trained a group of two thousand rather than the one thousand two hundred we had talked about. He now sought my opinion regarding how they could be utilized in view of all the chaos in the Great Lakes Region.

I, then suggested to H.E. Kagame, that it would be better for us to contact Mwalimu Nyerere on the issue in order to avoid the isolation we had experienced from the other African countries during the Rwandese conflict. H.E. Vice President Kagame concurred with me and I, accordingly, contacted Mwalimu Nyerere and briefed him about the force of two thousand and the threat to the *Banyamulenge*. He informed me that he would invite the European Union Ambassadors to enlist their support. He duly called them but, of course, they must have filed reports to their headquarters and that was that, since the danger of genocide of the *Banyamulenge* persisted. It was at that stage, that the Rwandese brothers decided to send in the

force of two thousand to defend the *Banyamulenge* and, later on, help in dismantling the camps of the criminals in the Bukavu and Goma areas. Apparently, they recruited another two thousand fighters from among the *Banyamulenge*, *Tutsis* and other Congolese of Rwandese culture. The Rwandese can tell the story better at this stage.

However, according to what the Rwandese told me, it is this force of four thousand that defended the hills of Mulenge, liberated Uvira, Bukavu and Goma. As these towns were falling, the Rwandese informed me that they had now brought four groups of Congolese together: the four thousand or so Congolese fighters of Rwandese culture, Mr. Kabila, Mr. Kissasse (the late) and another gentleman of the *Bashi* tribe known as *Masasu* (in prison). This is how the word "Alliance" was used in designating their organization; it was the "Alliance" of the four or so groups. At this stage, through fraternal contacts, a number of African countries like Zimbabwe, Ethiopia, Eritrea, Zambia and Uganda, gave material support. Angola, even contributed troops, and Tanzania, later gave the "Alliance" training personnel.

Congo, having been a *hunting ground* for profits for so many external interests, there was intensive pressure to influence events as the struggle proceeded. We tried our best to galvanize African opinion. I remember in the early

days of that conflict I briefed Their Excellencies: Mandela, Mugabe and Chissano in South Africa about this Congo situation which they had not known much about. Progressive African opinion was galvanized. In particular, I knew that the position of H.E. Mandela was very important. The major danger to Congolese liberation, ever since the days of Lumumba, had been external anti-democratic involvement

In recent times, some European circles had assumed the vanguard role of frustrating the peoples' aspirations. It was clear to me that there were only four deterrents to such Europeans' negative involvement:

- (a) they feared a protracted peoples' struggle, *Vietnam* style if the Congolese could organize it; the Congolese had, however, failed once before in the 1964--1966 Congo war in spite of considerable solidarity from Africa and the Communist bloc;
- (b) they would be cautious of American wishes - in this case the Americans wanted Mobutu to go but they did not favour Mr. Kabila; they wanted a third force;
- (c) to some extent they feared the manifest unpopularity of Mobutu. However, the popularity, or otherwise, of Mobutu's regime had never been a major factor in Congo ever since the days of Lumumba; Lumumba

had been the most popular politician but he had been deposed and, then, killed with impunity; and

- (d) these external forces feared going against South Africa because of the rather hi-tech weapons that South Africa commands; These European circles knew that if African freedom fighters got those weapons, and progressive Africa was unanimous, the battle-field would be levelled unlike in the past when it was never levelled.

I shared all these views with the comrades that were involved including H.E. Kabila and H.E. Kagame. I was, therefore, most surprised when H.E. Kabila refused to go to H.E. Mandela's ship in the Atlantic, citing security reasons. This worried me and I invited Mr. Kabila to Uganda. We had discussions for hours on this one subject and, then, parted. To my amazement, H.E. Kabila refused to return the second time; and when I contacted him on satellite telephone, he engaged me in a *shouting match* on the telephone.

Fortunately, for the struggle, events were moving fast. After the *Banyamulenge* had captured Goma, Bukavu and Uvira, assisted by troops of the Rwandan Army, a massive recruitment of fighters from other Congolese tribes, started. As the training proceeded, the fighting continued, being executed, mainly, by the Rwandan army, the

Banyamulenge and commanded by a young officer, by the names of James Kabareebe of the Rwanda Patriotic Army (RPA). Apparently, that young officer had been recruited and trained in Uganda by the Tanzania Training Team that had been assisting us in Jinja. As time went on, more and more Congolese fighters from tribes other than the *Banyamulenge* joined the fight after the training. I was, however, worried about the direct involvement of the Rwandese troops in the combat role. I preferred that they only remain in a training role. In fact at one time, I almost succeeded in getting H.E. Kagame to withdraw them. However, H.E. Kabila resisted this; a move, I did not like because, even in our own experience in 1978/79, I did not support the involvement of Tanzanian troops in the combat role in Uganda beyond the retaliation against Amin's invasion of the Kagera salient. I wanted us to fight for ourselves. When we supported RPF, we never allowed our troops to play a direct combat role except in limited retaliatory strikes against Habyarimana's Army for indiscriminate shelling of civilian hamlets and villages. This has always been our position on the Sudan except last year, March - April, when we were forced to take decisive action against the Sudanese army because of the criminal terrorist attacks on civilians in Northern Uganda, West Nile and also Rwenzori mountains going through Mobutu's Congo. We also destroyed the Sudanese army in Western Equatoria because they were directly threatening the Rwandese troops in Congo and the Congolese freedom

fighters from their bases in Kaaya, Baazi, Morobo and others. Again, this was limited; not aimed at installing Dr. Garang in power, in Sudan.

I feared two situations in using outside troops, even the fraternal ones:

- (a) It artificially distorts the outcome of the conflicts; one gets artificial "winners" and "losers"; the political problems, therefore remain unresolved because the winners win artificially and the "losers", lose artificially. This could, however, be compensated for, if the artificial "winners", brought in all the legitimate, political forces so that they all plan for the future, together. If, however, one combines a scenario of "artificial winners" and political exclusion, one is setting a stage for future political problems. Furthermore, since somebody is relying on external support primarily, he neglects internal, political integration. He neglects making the necessary compromise internally because he is relying on external support to muffle internal fissures.
- (b) The internal liberation forces do not build capacity. However, my opinion was not accepted, especially by H.E. Kabila. Incidentally, this used to be one of the differences between Obote and myself during the anti-Amin struggle.

Furthermore, from the little I could gather, the lack of structures and lack of broad representation in the "Alliance", was worrying. Since this was quite a big war, involving regional troops, I was of the opinion that a national conference of all anti-Mobutu political forces should have been organized into an ultimate body that would select the future government of Congo instead of leaving it to the "Alliance", whose internal mechanisms of decision-making, were not known to us. My fear was that any future complications in Congo would be blamed on the regional leaders that, without doubt, decisively and quickly, tilted the balance of forces in favour of H.E. Kabila and the "Alliance".

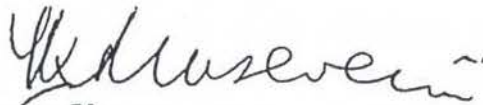
Therefore, just before the fall of Kinshasa, I suggested the idea of holding a national conference of all anti-Mobutu political forces, to H.E. Bizimungu, H.E. Mkapa, Mwalimu Nyerere and H.E. Kagame. The majority of them, however, thought it was a "bit late" and that we should remain "close" to H.E. Kabila, "advising" him and so on. I was, however, not interested in the role of "advisor" to H.E. Kabila, because the few times I had tried to "advise" him, he appeared to resent my advice. He only "advised" me to get involved in the internal affairs of Congo, on his side when I preferred not to be; but he resented the "few pieces of advice" that I proffered to him as "interference in his internal affairs".

Since that time, Uganda's only involvement in Congo, was to send a police training team following the decision of the Harare Breakfast Group, to train the Congolese in riot control. Recently, however, I heard that tension was mounting with H.E. Kabila falling out with the very allies he had started off the struggle with, in Kigali and Goma, last year. That is when I suggested this meeting during the SADC Forum, in Namibia. I am glad Your Excellencies agreed to the meeting.

DANGER OF TARGETING PARTICULAR ETHNIC GROUPS.

May I end by pointing out one particular danger. The danger of targeting particular ethnic groups whenever we face political challenges. We, Ugandans, have experienced this situation. I reject this type of politics. It is not possible for the whole ethnic group to be bad or good. There are good and bad people in each ethnic group. Then why talk of this ethnic group and that ethnic group? To do so, in my opinion, is to abdicate our legitimacy, whatever the initial source of that legitimacy. When we accept leadership of diverse nations, we must do it without any equivocation. To start saying that the whole of this natural identity group is like this or that, is to abdicate our duty and, therefore, our legitimacy.

In my opinion, it is not too late to re-launch the democratic movement in the Congo, doing what we should have done before the fall of Kinshasa. If H.E. Kabila agrees, the different Congolese political tendencies could convene a conference in an agreed venue and hammer out a national interim compromise, pending popular elections that would decide the future leadership of the country. Even those surviving members of the Alliance who have split and are now fighting H.E. Kabila should be engaged in a dialogue supported by the region. Political issues should be resolved by political dialogue. Violence, should only be reserved for dealing with those that seek to destroy a popularly agreed constitutional dispensation.



YOWĒRI KAGUTA MUSEVENI
PRESIDENT OF THE REPUBLIC OF UGANDA

8 August, 1998
Harare/Zimbabwe

HRW Alarmed About Hate Radio Broadcasts and the Incitement of Ethnic Violence in the DRC

Human Rights Watch calls on the government of the DRC to guarantee the rights and protect the safety of ethnic Tutsis who are in its custody or are living in areas under its control. We urge the government to grant the International Committee of the Red Cross (ICRC) and the DRC Field Office of the U.N. High Commissioner for Human Rights full access to the detainees in accordance with international standards.

(New York, August 13, 1998) -- Human Rights Watch today expressed alarm about the increasing use of ethnic hate propaganda by officials of the Democratic Republic of Congo (DRC). Officials rely on hate radio to rally popular support against the current rebellion in the country and to further an ethnic witch hunt in the capital Kinshasa. Human Rights Watch also expressed deep concern about reports of wide-scale abuses, looting and armed robbery in the rebel-controlled town of Bukavu.

Related Material

[HRW Condemns Recruitment of Child Soldiers in Congo](#)
HRW Press Release, August 11, 1998

[HRW Urges All Sides In Congo To Refrain From Attacks On Civilians](#)
HRW Press Release, August 5, 1998

[Governments Urged To Stop The Use Of Child Soldiers](#)
HRW Press Release, June 30, 1998

Radio broadcasts on August 8 from a government regional radio in the eastern town of Bunia monitored by the BBC called on the local population to use "a machete, a spear, an arrow, a hoe, spades, rakes, nails, truncheons, electric irons, barbed wire, stones, and the like, in order, dear listeners, to kill the Rwandan Tutsis." On Wednesday the 12th, a local commander of the Congolese army called on Bunia residents to "take revenge" on the Rwandans and "massacre them without mercy."

The DRC government has accused the small minority of Congolese ethnic Tutsis of leading the current rebellion and credibly alleges that Rwanda has invaded its territory in support of the rebels. This stimulation of ethnic hatred by government officials raises serious human rights concerns because of its sadly well-proven record for triggering large-scale killings. Hate radio broadcasts prepared the stage for the 1994 Hutu-led genocide in neighboring Rwanda against the minority Tutsi population in which at least half a million were killed. The conflict spilled over in neighboring DRC, contributing to the destabilization of the country and the spread of political violence in its eastern provinces ever since. Ethnic bloodletting continued on Congolese territory during the 1996-97 military campaign that brought President Kabila to power when his former allies reportedly massacred thousands of unarmed Hutu refugees in apparent retribution for the 1994 killings in Rwanda.

Human Rights Watch views with deep concern the continuation of the ethnic witch hunt in the capital Kinshasa. Hundreds of ethnic Tutsis continue to be detained in Kokolo military camp in Kinshasa, and hundreds more are held in unknown places. The increasing use of hate propaganda by DRC officials exposes these detainees and other Tutsis to potential ill-treatment and even random killings as the public may interpret these messages as prior approval or a guarantee of impunity if they were to engage in such atrocities.

Human Rights Watch received credible reports from rebel-held Bukavu about atrocities committed by rebel soldiers against residents during a house-to-house search in the "Essence" neighborhood. Rebel

soldiers were looking for alleged infiltrators from the anti-rebel Mayi-Mayi warrior groups. Wide-scale looting and armed robbery were also reported by town residents as well as by departing humanitarian workers. The offices and warehouses of a humanitarian agency in Bukavu were looted by soldiers who held employees at gunpoint and threatened to kill them.

Human Rights Watch calls on the government of the DRC to guarantee the rights and protect the safety of ethnic Tutsis who are in its custody or are living in areas under its control. We urge the government to grant the International Committee of the Red Cross (ICRC) and the DRC Field Office of the U.N. High Commissioner for Human Rights full access to the detainees in accordance with international standards. The government should also facilitate the departure of ethnic Tutsis who wish to leave the country. We urge the rebel authorities to guarantee the rights and safety of civilian populations in areas under their control and to abstain from any attacks on rights defenders and community leaders in these areas.

Human Rights Watch calls on the international community to assume its full responsibility in taking firm steps to denounce abuses against civilians by all parties to the present conflict in the DRC, and to hold perpetrators of such abuses responsible.

TELEGRAMS: «UGAEMBASSY»
 FAX:001-212-3723516
 IN ANY CORRESPONDENCE ON
 THIS SUBJECT PLEASE QUOTE N°...KIN/21...



THE REPUBLIC OF UGANDA

EMBASSY OF THE REPUBLIC OF UGANDA

B.P. 1086

KINSHASA/CONGO

The Embassy of the Republic of Uganda presents its compliments to the Ministry of Foreign Affairs of the Democratic Republic of Congo and has the honour to strongly protest to the latter on the following inhuman treatment of Uganda diplomats and nationals at Ndjili International Airport on August 20, 1998.

During the evacuation of seventeen Ugandans accompanied by Uganda diplomats and Congolese Protocol Officer from the Ministry of Foreign Affairs, some elements of Congolese Armed Forces stationed at the Airport detained and inhumanly mistreated the Ugandans and the protocol officer for over three hours. In spite of explanation by the Protocol Officer that the evacuation was authorised by the competent authority, the soldiers refused to allow the smooth evacuation. Instead, they brutally beat, insulted and spat on the Ugandans and Congolese Protocol Officer for the duration of the detention.

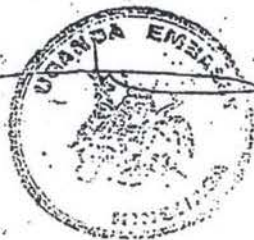
Before the soldiers reluctantly allowed the evacuation to take place, they forcefully removed money, other valuables such as necklaces, watches and in some cases brief cases from the Ugandans. Accordingly, the Embassy feared to continue with the evacuation until adequate security measures are provided for the exercise.

In this connection, the Embassy wishes to request the Ministry, as it did initially in its letter of request for evacuation to the Minister of State for Internal Affairs which was copied to the Ministry among others, for appropriate security to enable the smooth completion of the evacuation exercise. The Embassy will appreciate if the above request is urgently considered and it is informed of the outcome as soon as possible.

The Embassy of the Republic of Uganda avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Democratic Republic of Congo the assurance of its highest considerations.

KINSHASA / August 21, 1998.

The Ministry of Foreign Affairs
 of the Democratic Republic of Congo
 Kinshasa.



- The Minister of State for Internal Affairs
of the Democratic Republic of Congo
Kinshasa.
- The Vice Minister of Internal Affairs
of the Democratic Republic of Congo
Kinshasa
- The Minister of Human Rights
of the Democratic Republic of Congo
Kinshasa
- The Minister of Justice
of the Democratic Republic of Congo
Kinshasa
- The Dean of Diplomatic Corps
Kinshasa.

9

COMMUNIQUE OF THE SUMMIT MEETING OF THE SADC ON THE
DEMOCRATIC REPUBLIC OF THE CONGO

1. A Summit of the SADC Heads of State and Government together with those of Kenya, Rwanda and Uganda took place in Pretoria, South Africa on 23 August 1998.
2. The Summit was convened by the Chairperson of the SADC, H.E. President N R Mandela and attended by the following Presidents: H.E. Mogae of Botswana, H.E. Nujoma of Namibia, H.E. Chissano of Mozambique, H.E. Chiluba of Zambia, H.E. Muluzi of Malawi, H.E. Moi of Kenya, H.E. Museveni of Uganda, H.E. Bizimungu of Rwanda, His Majesty King Mswati III of Swaziland, Prime Minister H.E. Ramgoolam of Mauritius, Foreign Ministers, Honourable Tabane of Lesotho and Honourable Kikwete of Tanzania, Minister of Justice of the DRC, Honourable Kongolo, Executive Secretary of SADC Dr K Mbuende and High Commissioner Moyo of Zimbabwe.
3. The Summit deliberated on the current situation in the Democratic Republic of Congo and noted:
 - 3.1 That the Democratic Republic of Congo is afflicted with military conflict which the Summit considers to be an unacceptable way of addressing any problems which occasioned the conflict.
 - 3.2 The Summit committed itself to seek an end to the military conflict immediately.
4. The Summit resolved that the following are the basic principles and objectives which should inform this solution:

- 4.1 The DRC has a Government in place which the Summit recognises and which is headed by President Kabila;
- 4.2 The Summit accepted that, regardless of the contribution that African Governments might make towards the accomplishment of this aim, the principal responsibility to realise this end rests with the people of the DRC themselves.
- 4.3 The Summit called for an immediate cease-fire, a troop stand-still and the initiation of a peaceful process of political dialogue aimed at finding a solution to all the relevant problems and undertook to do everything possible, both as a Summit and as individual components which constitute it, to ensure that a cease-fire are enforced and maintained. Furthermore, the countries directly affected by the situation in the Congo undertook to desist from any hostile propaganda against one another and any other activities which might result in increasing tensions among themselves and elsewhere.
- 4.4 The Summit mandated the Chairperson of SADC to create, in consultation with the Secretary-General of the Organisation of African Unity, the mechanisms for the implementation of this decision, as well as instituting measures to regularly consult the countries represented at this meeting and harmonising this initiative with the Victoria Falls initiative.
- 4.5 The Summit agreed that the reconstruction of the DRC as an independent, sovereign, united, democratic, peaceful, stable and prosperous country is critical to the achievement of the same objectives in our own countries and in the rest of our Continent.

- 4.6 The Summit recognised that the independence and security of all the countries in the respective regions is an important objective which all agreed to pursue. To this end the Summit committed itself to do everything in its power to ensure the achievement of this goal.
- 4.7 The Summit noted with appreciation the commitment of the Government of the DRC to the holding of democratic elections to enable the people of that country to elect a Government of their choice.
- 4.8 The Summit urged that such elections should take place within a reasonable period of time, taking into account the realities of the DRC.
- 4.9 The Summit committed itself to assisting in ensuring that this aim is achieved, including the contribution of material resources and the mobilisation of the rest of the international community to support this effort.
- 4.10 The Summit expressed its support for the approach of the Government of the DRC which seeks to ensure that all the Congolese people are represented in the mechanisms for the preparation of the elections in a manner which will result in an acceptance of the outcome of elections which must be truly democratic, free and fair.
- 4.11 The Summit reaffirmed that, consistent with the Charter of the OAU, all ethnic groups and nationalities whose people and territory constituted what became Congo (now DRC) at independence, should enjoy equal rights and protection under the law, as citizens.

Amnesty International

ai-index AFR 62/033/1998 03/09/1998

DEMOCRATIC REPUBLIC OF CONGO

A long-standing crisis spinning out of control

1. Introduction

The latest phase of armed conflict which started on 2 August 1998 in the Democratic Republic of Congo (DRC) is a brutal reminder to the international community that stability and prosperity cannot be built on violations of human rights. Parties to this conflict forged a coalition in late 1996 to dismantle refugee camps inhabited by members of the Hutu ethnic group, most of them from Rwanda and others from Burundi, and overthrow former President Mobutu Sese Seko. The coalition, which brought President Laurent-Désiré Kabila to power in May 1997, was known as the *Alliance des forces démocratiques pour la libération du Congo* (AFDL), Alliance of Democratic Forces for the Liberation of Congo. During a seven-month war, tens of thousands of unarmed refugees and Congolese citizens were massacred by members of the AFDL and other combatants, particularly members of the Rwandese Patriotic Army (RPA), the Rwandese government army. These victims were added to an estimated more than one million others who have been massacred in the Great Lakes region since 1990.

The alliance which perpetrated the atrocities in 1996 and 1997 has now collapsed and the lives of millions of people in the DRC and in neighbouring countries are once again at risk. Government opponents have accused President Kabila of corruption, nepotism, dictatorship and failure to protect a Tutsi right to Congolese citizenship. Initial signs of the collapse of the alliance became apparent at the start of 1997. In January 1997, General André Kissage Ngandu, a leader of one of the armed groups in the AFDL coalition, was reportedly killed, apparently because he was opposed to the dominant role of Rwanda and Tutsi in the AFDL. When his death was reported, then AFDL spokesman Laurent-Désiré Kabila claimed that General Ngandu had been wounded in combat and was undergoing treatment. The AFDL and the DRC Government have never explained the circumstances of his death. Some of General Ngandu's supporters in the alliance reportedly joined armed groups in North and South-Kivu provinces opposed to the AFDL and its allies. Armed groups opposed to the AFDL and to perceived Tutsi domination, collectively known as *mai-mai*, include members of the Hutu, Tembo, Nande and Nyanga ethnic groups in North-Kivu, and members of the Bembe and Fuliru and Vira ethnic groups in South-Kivu. Another leader of the AFDL coalition, Anselme Masasu Nindaga, was arrested in November 1997 and was sentenced in May 1998 to 20 years' imprisonment by a military court which found him guilty of endangering the security of the state, treason and forming a private militia. A third leader of the coalition, Deogratias Bugera, as well as President Kabila's Foreign Minister Bizima Karaha, joined a new Rwandese government-

backed alliance known as the *Rassemblement congolais pour la démocratie* (RCD), Congolese Rally for Democracy, at the start of August 1998.

Amnesty International is publishing this report to place the fighting which started on 2 August 1998 in a broader historical and regional context and to highlight the potential risk of further massive human rights abuses in the DRC and in neighbouring countries. The report also highlights Amnesty International's concern about the link between human rights abuses in the Great Lakes region and military training and transfer by governments and arms dealers in and outside the region. The organization is concerned that given the appalling recent human rights record of former members of the AFDL coalition and its former military allies, particularly Rwanda and Burundi, any further support, including military transfer and training, is likely to lead to an escalation in violations of human rights and of international humanitarian law in the DRC and in neighbouring countries. Details of the organization's human rights concerns in the DRC are contained in its reports [See AI DRC reports entitled "*Deadly alliances in Congolese forests*", AI Index: AFR 62/33/97, published on 3 December 1997 , and "*A year of dashed hopes*", AI Index: AFR 62/18/98, published on 15 May 1998.], urgent actions and press releases published since December 1997.

For many decades - during and after Belgian colonial rule - people in the DRC (ex-Zaire) have suffered a seemingly unbreakable cycle of human rights abuses by successive governments and armed opposition groups. The abuses include extrajudicial executions and other deliberate and arbitrary killings, mutilations, "disappearances", arbitrary arrests, detention of prisoners of conscience, torture, including rape, and other forms of cruel, inhuman or degrading treatment or punishment. They have continued to occur because they were ordered or condoned by the country's political and security force leaders who had a responsibility to prevent them. Instead of being brought to justice, the perpetrators went on to take their place as political leaders on the national and international stage.

Despite the widespread massacres and other human rights abuses committed during the war that culminated in the overthrow of former President Mobutu in May 1997 [See AI DRC report entitled "*Deadly alliances in Congolese forests*", AI Index: AFR 62/33/97, published on 3 December 1997.], many Congolese citizens hoped the worst was over and a new beginning was in the offing under the AFDL-led government. Thirty-two years under Mobutu Sese Seko had been characterized by an erosion of the rule of law and gross human rights violations, and no sector of Zairian society had remained unaffected. Most people in the newly renamed Democratic Republic of Congo did not know the new President Kabila, but believed any government that replaced Mobutu Sese Seko's had to be better. These illusions have since been shattered.

Much of the international community chose to ignore the atrocities committed by forces supporting President Kabila, including Rwandese government troops. In addition to having failed to take measures in 1996 to protect unarmed civilian [Tens of thousands of unarmed civilians were killed in former Zaire after the UN Security Council decided in December 1996 not to deploy a Canadian-led UN force to protect unarmed refugees and other civilians, as well as humanitarian organizations.], the UN Security Council failed in July 1998 to respond adequately to a report of the UN Secretary-General's Investigative Team (SGIT) [The UN Secretary-General set up the Team in July 1997 to "investigate gross violations of human rights and international humanitarian law committed in the Democratic Republic of Congo (former Zaire) from 1 March 1993 ...".] submitted to the Council in June 1998. The SGIT had failed to

complete its investigations due to obstructions of its work by the DRC Government and the UN Secretary-General withdrew the Team in April 1998. The SGIT report confirmed what other organizations and individuals had documented: that combatants loyal to President Kabila, including Rwandese troops, had committed atrocities amounting to violations of international humanitarian law, some of which could amount to genocide. The Investigative Team's recommendation that further investigation be carried out by a competent, independent and impartial body to identify those responsible was ignored by the Council. Instead, the Security Council asked the two governments of the DRC and Rwanda, which continue to deny that their troops were directly responsible for human rights violations, to investigate the crimes and bring the perpetrators to justice. Meanwhile, the same forces responsible for most of these atrocities have now turned against each other and are likely to add to the number and gravity of crimes requiring investigation and redress.

2. Current human rights situation in the DRC

The human rights situation in the DRC was already very grave before war broke out on 2 August 1998. Abuses included extrajudicial executions by government forces, including by those now in opposition to President Kabila, and deliberate and arbitrary killings by armed groups, particularly in eastern DRC. Dozens of people accused of flouting a ban imposed by the government on opposition political party activity have been imprisoned. Others targeted for detention include journalists and human rights activists [See AI DRC report entitled "*A year of dashed hopes*", AI Index: AFR 62/18/98, published on 15 May 1998.]. Many of those arrested have been subjected to beatings, torture and other forms of ill-treatment at the time of their arrest and in custody. Several dozen people were executed in 1998 alone, after they were sentenced to death by a military court with no right to appeal to a higher court. Most of the trials were unfair and most of those executed were civilians.

Since 2 August 1998, very little information on the human rights situation in the DRC has come out of the country. The armed opposition has seized communication equipment and threatened human rights activists and witnesses in areas under its control. As in 1996 and 1997, this measure is being used to prevent information about human rights abuses reaching the outside world. Witnesses in areas under government control fear being accused of supporting the armed opposition if they denounce human rights violations by government forces.

Amnesty International has received reports of hundreds of arbitrary and unlawful arrests in Kinshasa, in particular of ethnic Tutsi civilians, of people of Rwandese origin, of Congolese married to Rwandese, and of others perceived as sympathizers of the rebellion. The detainees have been taken away to unknown destinations by members of the security forces, amidst reports that some may already have been killed. Some DRC senior Congolese government officials and media have incited civilians to take up arms and attack Tutsi. For example, on 8 August an official made a statement on the Congolese radio from Bunia in eastern DRC calling on listeners to "*... jump on the people with long noses, who are tall and slim [reference to Tutsi] and want to dominate us ... Wake up, be aware of our destiny so as to defeat the enemy.*" Similar broadcasts in neighbouring Rwanda incited killings of Tutsi and led to the massacre of as many as one million people in 1994. On 25 August President Kabila was reported to have called on people in the DRC to take up arms, including traditional weapons such as bows and arrows, to crush the enemy and prevent their becoming slaves of the Tutsi.

Search operations in the capital are reported to be continuing and many people with Tutsi or

Rwandese connections have reportedly gone into hiding. Congolese Interior Minister Gaetan Kakudji claimed that Tutsi civilians were being held in 'preventive' detention in Kinshasa to shield them from lynch mobs. Amnesty International has received credible reports that most of those arrested are accused by the DRC authorities of supporting the armed opposition because they are Tutsi or with links to Tutsi, but without any legal evidence to justify such accusations. Amnesty International is further concerned that the DRC Government has denied humanitarian organizations such as the International Committee of the Red Cross (ICRC) access to detainees and captured combatants. The ICRC was only allowed in mid-August 1998 to visit detainees held at Kokolo military barracks in Kinshasa in connection with the armed conflict. By the end of August the ICRC had not yet been allowed access to other detention centres under government or RCD control.

In areas held by the armed opposition, there have been reports of deliberate and arbitrary killings since 2 August 1998. Members of the RCD reportedly summarily executed government soldiers at Kavumu, near Bukavu in South-Kivu province, at the start of August. During the initial days of the fighting, members of the RCD, RPA and Burundi government forces reportedly massacred civilians near Uvira. The victims were reportedly targeted because they were suspected by their killers of supporting local armed groups hostile to Tutsi. Members of the RCD and RPA soldiers are reported to have killed 37 people, including one Roman Catholic priest and three nuns and seminarian, at Kasika Roman Catholic parish near Uvira on 24 August. RCD and RPA combatants reportedly killed as many as 200 more unarmed civilians in surrounding villages. The killings were reportedly a reprisal for killings of RCD and RPA combatants by *mai-mai* fighters in nearby Mwenga.

3. Regional dimension of the DRC conflict

As in the past, all countries close to the DRC, and some beyond, will be affected by the latest phase of armed conflict there either because of their proximity to the DRC or because of their involvement in the conflict. Similarly, the DRC has equally been for long affected by conflicts in other countries in central Africa.

3.1 The Rwandese connection

The Rwandese Government and security forces played a critical role in the war in the former Zaire in late 1996. Their political and military support to the AFDL was instrumental in ensuring the overthrow of former President Mobutu Sese Seko and the formation of a new government headed by President Kabila in May 1997. Rwandese government troops also participated in grave human rights violations - including killings of unarmed civilians - in eastern DRC alongside AFDL forces [See AI Rwanda report entitled "*Ending the silence*", AI Index: AFR 47/32/97, published on 25 September 1997 and DRC report entitled "*Deadly alliances in Congolese forests*", AI Index: AFR 62/33/97, published on 3 December 1997.]. The UN Secretary-General's Investigative Team reported that it found evidence of RPA participation in massive human rights violations against refugees and other unarmed civilians. Initially, the Rwandese authorities denied playing an active role in the conflict and claimed that they were only giving moral support to Congolese Tutsi who had been persecuted and denied citizenship by the then Zairian authorities. Subsequently, they admitted taking part in the conflict and justified dismantling the refugee camps in eastern Zaire by evoking the presence of their armed opponents in the camps, including those responsible for the 1994 genocide in Rwanda, who were mounting cross-border incursions into Rwanda.

Two years later, a quasi-identical scenario is being repeated. As it first did in 1996, the Rwandese Government is officially denying playing a role in backing the latest insurgency in the DRC, yet reports abound of RPA troop participation in the fighting in eastern and southwestern DRC. In 1997 the Rwandese Government had justified its military support to the AFDL by accusing the former Zairian Government of supporting or turning a blind eye to Hutu armed opposition groups in former Zaire. In 1998, while denying involvement in the conflict, the Rwandese authorities are reported to have accused President Kabila's government of training former Rwandese militia to attack Rwanda. As in 1996, an anti-Tutsi hate campaign is being waged in the DRC, this time by Rwanda's former allies in the DRC Government.

In Rwanda, the overthrow in 1959 of a Tutsi monarchy by Hutu politicians culminated in massacres of thousands of Tutsi. Tens of thousands of Tutsi fled to neighbouring countries, particularly Zaire, Burundi, Tanzania and Uganda. The countries that hosted these refugees already had their own indigenous Tutsi and Hutu populations, as well as those who had voluntarily emigrated there during previous decades. In former Zaire, the government failed to take measures to prevent the persecution of Hutu and Tutsi, commonly known as *Banyarwanda* [Hutu and Tutsi are commonly referred to as *Banyarwanda* by members of other ethnic groups in central Africa because they are respectively ethnically related to Hutu and Tutsi in Rwanda, and generally speak *Kinyarwanda*, the national language of Rwanda.], or to distinguish refugees from nationals. Prominent members of other ethnic groups in Zaire competing for political positions repeatedly branded all Tutsi and Hutu foreigners. This political conflict culminated in early 1993 in armed clashes in North-Kivu province between Hutu and Tutsi on one side and members of several other ethnic groups on the other. At least 6,000 civilians were killed and several hundred thousand others were displaced.

The alliance between Hutu and Tutsi in Zaire became increasingly strained after October 1990 when fighting began in Rwanda between the Hutu-dominated Rwandese government and a Tutsi-dominated armed group known as the Rwandese Patriotic Front (RPF) - which went on to form the current government of Rwanda. Outside Rwanda, Hutu accused Tutsi of supplying money, arms and fighters to the RPF. The conflict in Rwanda culminated in the genocide of 1994, in which as many as one million people - most of them Tutsi but also many Hutu - were killed by Hutu-dominated government forces and militia. Thousands of unarmed Hutu were also killed by RPF combatants.

It is to this already volatile environment that more than one million Hutu, some of them former members of militia and government forces who participated in the genocide in Rwanda, fled when the Rwandese Government was overthrown by the RPF in July 1994. Once in Zaire, armed Hutu participated in attacks on Tutsi and other groups, and launched armed attacks from Zaire into Rwanda. Some members of the Zairian government and other prominent Zairians threatened to expel Tutsi, including Zairian Tutsi. The new Rwandese Government and Tutsi in Zaire found common cause to launch a war on the government of former President Mobutu and Hutu in Zaire, and were joined by Zairian government opponents, including leaders of the current government of President Kabila. The international community, which had failed to protect Tutsi in Rwanda and in Zaire, this time failed to protect Hutu refugees and Zairians.

After the Tutsi-led alliance took power in the newly named DRC in 1997, Rwandese Hutu and Congolese armed groups opposed to Tutsi and to the new DRC Government remained active, particularly in eastern DRC. Since 1997, insurgency in Rwanda, which the Rwandese Government claims is based in the DRC, has escalated; thousands of unarmed civilians have

been killed both by the insurgents and by the Rwandese security forces. In 1998, the conflict in Rwanda has shown no sign of abating and massive human rights abuses by both parties continue to occur, especially in areas bordering the DRC [See AI Rwanda report entitled "The hidden violence: "disappearances" and killings continue", AI Index: AFR 47/23/98, published on 23 June 1998.].

Since taking power, President Kabila has faced increased political pressure from his supporters and opponents to remove Tutsi from key positions in the government and security forces. Killings of and by Tutsi have been reported in Kivu since 1997 after Tutsi were appointed to replace local government officials from rival ethnic groups in the region. In early July 1998 President Kabila replaced the then army Chief of Staff, James Kabarebe, who was previously an officer in the Ugandan and Rwandese armies. Tutsi and members of other ethnic groups increasingly accused President Kabila of filling key positions with people from his own Katanga province. On 27 July 1998, he ordered all Rwandese and other foreign troops out of the DRC and on 2 August his Rwandese-backed opponents, many of them members of the DRC Government and the *Forces armées congolaises* (FAC), Congolese Armed Forces, who later formed the RCD coalition, began an armed campaign to overthrow him. Amnesty International has received reports that by mid-August 1998 men of fighting age in Rwanda were being forcibly recruited into the RPA and sent to fight in the DRC.

3.2 The Ugandan influence

Until 1994, Uganda was home to several hundred thousand Tutsi and some Hutu refugees from Rwanda and Burundi. In the early 1980s the then government of President Milton Obote accused Tutsi of supporting the National Resistance Army (NRA) armed group, although the armed conflict involved combatants from a number of other Ugandan ethnic groups. The NRA leader, Yoweri Museveni, was himself accused by some of his Ugandan political opponents of originating from Rwanda. In 1982 the Ugandan authorities forcibly returned thousands of Rwandese Tutsi refugees to Rwanda. The Rwandese authorities refused to accept them as returnees and they subsequently returned to Uganda. Some Rwandese Tutsi did join the NRA which eventually took power in 1986. Some Tutsi NRA soldiers were joined by other Rwandese exiles to plan a return to Rwanda by force of arms. Many of those who led the 1990 attack on Rwanda from Uganda, including current Rwandese Vice-President Paul Kagame, were members of the NRA. From October 1990 Uganda gave military and political support to the RPF and has remained a close ally of the RPF-led Rwandese Government. Uganda was also a key supporter of President Kabila before and soon after he came to power.

Since the 1960s, thousands of Zairians who fled Congolese civil wars and government repression settled in Uganda. Some of these Zairian exiles were involved in armed attacks on Zairian government forces, particularly in the early 1980s. The attacks were followed by severe human rights violations, including killings and torture by government forces, against the civilian population in North-Kivu. Some of the Zairian exiles joined the AFDL in 1996 to fight the Zairian Government.

During 1996 and 1997 Ugandan troops were reported to have assisted AFDL forces, particularly in northeastern Zaire, in response to the presence of Ugandan armed opposition groups based in eastern Zaire. Uganda has close military links with Rwanda and the USA and has since 1990 been a conduit for military supplies to Rwanda and Burundi, which reportedly reached the AFDL. Ugandan troops and AFDL combatants are said to have pursued and killed or captured suspected Ugandan members of armed opposition groups in Zaire. However,

insurgency in western Uganda continued even after President Kabila came to power. The DRC Government had apparently failed to prevent Ugandan armed groups, particularly the Alliance of Democratic Forces (ADF) from using eastern DRC as a base to launch attacks on western Uganda. Amidst reports that the Ugandan authorities were unhappy that President Kabila had failed to prevent ADF attacks on Uganda, the Ugandan army had by mid-1988 established at least one military base in northeastern DRC. In May 1998, a DRC government minister publicly accused Ugandan President Museveni of interfering in the affairs of the DRC. In August the DRC Government accused Uganda of sending troops into the DRC to support the RCD. Ugandan initially denied that it had any forces in the DRC but on 25 August the Ugandan authorities admitted that their government had troops in the DRC. They denied reports that Ugandan troops were fighting alongside members of the RCD and RPA, and claimed that their troops were in the DRC solely to prevent ADF incursions from there into Uganda.

Human rights abuses committed during the armed conflict in western Uganda have included the killing and abduction of many unarmed civilians there. In 1997 and early 1998 the Ugandan army was reported to be holding scores of persons suspected of being supporters of the ADF in illegal detention in military barracks in western Uganda. In July 1998 the Ugandan army Chief of Staff reportedly admitted that government forces had tortured suspected supporters of the ADF in the region.

3.3 Tanzania: host to Great Lakes refugees

Political turmoil in the Great Lakes region has led to large influxes of refugees from the region into Tanzania since the 1960s. Some of the Zairian exiles in Tanzania, including President Kabila, were involved in armed attacks against former President Mobutu's government, particularly during the 1980s. Zairian government forces carried out numerous atrocities against unarmed civilians in South-Kivu and then Shaba region during counter-insurgency operations. During the 1996-97 war that led to the overthrow of former President Mobutu tens of thousands of people from South-Kivu province considered to be opposed to Tutsi domination fled into Tanzania [See AI Zaire report entitled "*Hidden from scrutiny: human rights abuses in eastern Zaire*", AI Index: AFR 62/29/96, published on 19 December 1996.]. The United Nations High Commissioner for Refugees (UNHCR) started assisting refugees to return to the DRC in recent months but stopped the repatriation at the start of August 1998 when the fighting broke out and over 1,000 more Congolese refugees have since fled to Tanzania. Congolese refugees in Tanzania have for several years complained that they were being subjected to human rights violations, including unlawful detentions and ill-treatment in custody, in Tanzania. The refugees have claimed in recent months that they were under pressure to return home on the grounds that the DRC was stable under President Kabila. Some of the refugees are believed to be supporters of armed groups opposed to President Kabila who they accuse of allowing Rwanda's involvement in Congolese affairs. On the other hand, some members of the FAC are reported to have recently received training in Tanzania. On 24 August the Tanzanian Government reportedly announced that it had ordered out of the DRC members of its armed forces training DRC government soldiers.

Competition for diminishing resources in Tanzania is increasingly straining relations between the local population and several hundred thousand refugees from the DRC, Rwanda and Burundi, as well as the hospitality of the Tanzanian Government. This situation partly led to a decision in late 1996 by the Tanzanian Government to forcibly return more than 500,000 Rwandese refugees to Rwanda. Some of these refugees and others have since fled back to

Tanzania as a result of continuing violence and human rights abuses in Rwanda.

3.4 Burundian violence

Burundian and Congolese refugees have often been forced to move simultaneously as they fled armed conflicts in their respective countries. Thousands of Congolese refugees have entered Burundi since the 1960s, just as tens of thousands of Burundian, mainly Hutu, refugees have repeatedly fled to and from former Zaire. Many Congolese refugees have been caught up and been killed during Burundian intercommunal fighting. In 1994, Tutsi-dominated Burundian government forces and militia attacked Hutu and Zairian civilians in Bujumbura, forcing many of them to flee to former Zaire. Burundian Hutu-dominated armed groups recruited combatants from this Burundian refugee community to fight the Burundi Government. When war broke out in South-Kivu in 1996, Burundi government forces and Tutsi militia were reportedly involved, together with AFDL and Rwandese government forces, in killing Hutu refugees in former Zaire, including Burundian refugees suspected of supporting or belonging to Burundian Hutu-dominated armed opposition groups. Burundi was also reported to be a conduit for military supplies to the AFDL. Thousands of other refugees and some Zairian civilians were forced to cross to Burundi, to insecure areas where hundreds were extrajudicially executed by members of the Burundian security forces. As many as 200,000 people, mostly civilians, have been killed by government forces and armed groups in Burundi since October 1993. Burundi government troops are reported to have fought alongside RPA soldiers and RCD combatants during fighting in South-Kivu in early August 1998, during which they reportedly killed many unarmed civilians in the area.

3.5 The Republic of Congo

The Republic of Congo to the west of the DRC has itself barely come out of armed conflict which started in 1993 and culminated in the overthrow of former President Pascal Lissouba in October 1997. Former President Pascal Lissouba's government forces and militia belonging to various political factions killed thousands - as many as 15,000 according to President Denis Sassou Nguesso's new government - during the conflict. Some of the arms used by President Denis Sassou Nguesso came from neighbouring Angola through the DRC. Angolan troops helped both Presidents Kabila and Nguesso to overthrow their predecessors and are still deployed in the Republic of Congo. Former Presidents Lissouba and Mobutu were supported by combatants from the Angolan armed opposition group, known as the *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola. Mercenaries from the former Yugoslavia and others who had been recruited by former President Mobutu's government are reported to have been subsequently hired in late 1997 by former President Lissouba in the war against Nguesso's militia. In both countries, the mercenaries killed unarmed civilians. Nguesso is also reported to have hired former Zairian and Rwandese soldiers who had been forced out of the DRC by combined forces of the AFDL and Rwandese troops. Many Hutu refugees, as well as former Zairian soldiers and civilians, still live in the Republic of Congo and some are likely to get involved in fighting in the DRC.

3.6 Angolan war in the DRC

The Angolan Government provided military assistance to the AFDL which overthrew the former Zairian Government in May 1997. In August 1998 Angola was providing military support to forces loyal to President Kabila. Zairian refugees who had lived in Angola for many years also joined the AFDL in 1996. The Angolan government was anxious to prevent UNITA

from using Zaire as a rear base. During the 1980s and early 1990s it was widely reported that the United States of America (USA) used the Zairian Kamina airbase and other routes to supply weapons to UNITA. In recent months, members of the DRC police are reported to have received training in Angola. UNITA itself used Zairian airports to import weapons and export diamonds. As the AFDL forces swept towards Kinshasa in early 1997, UNITA troops returned to Angola, followed by Rwandese refugees, including former Rwandese soldiers, and Zairian government troops. UNITA is reported to have an army of more than 20,000, including some former Rwandese and Zairian soldiers, despite declaring in March 1998 that it had demobilized all its troops under the terms of the peace agreement signed in 1994.

The Angolan enclave of Cabinda shares borders with both the DRC and the Republic of Congo. In Cabinda, the Angolan government troops fighting factions of the *Frente da Libertação do Enclave de Cabinda (flec)*, Cabinda Enclave Liberation Front, have been responsible for torturing and killing unarmed civilians [See AI Angola report entitled "*Extrajudicial executions and torture in Cabinda*", AI Index: AFR 12/02/98, published in April 1998.]. In August 1998, some Angolan government troops are reported to have launched an attack on forces opposed to President Kabila from Cabinda.

The Angolan Deputy Foreign Minister was reported to have said on 19 August 1998 that his country and several others had agreed to provide military and other support to the DRC Government. It has been reported that UNITA might itself get involved on the side of armed opponents of the DRC Government.

The conflicts in the DRC and Angola have generated a new flood of refugees and internally displaced people. In May 1998 some 2,000 Rwandese refugees were reported to have entered Angola through the DRC. In July 1998, 39,000 people reportedly fled from Angola to Katanga province in the DRC while more than 1,000 more crossed over into Bandundu and Bas-Congo. Two thousand Rwandese Hutu refugees reportedly fled from Angola to Zambia in early August 1998.

4. Involvement by countries outside central Africa

Governments outside central Africa have played varying roles in armed conflicts in the Great Lakes region. Some governments have actively supported parties to the conflicts by supplying troops, weapons and other military equipment, while others have provided training. Other governments have effectively condoned human rights abuses by failing to acknowledge human rights abuses committed by various parties to the conflicts. Armed forces supporting or opposed to President Kabila have since September 1996 been responsible for massacres, "disappearances" and abductions, torture and rape against tens of thousands of unarmed civilians. Governments supporting the warring parties have failed to seek or obtain assurances that arms and military training they or arms traffickers in their countries provide are not used to commit human rights violations against unarmed civilians. Despite abundant reports of widespread massive violations of human rights and international humanitarian law committed principally by DRC and Rwandese government forces, as well as by armed groups opposed to the two governments, virtually no-one has been brought to justice.

United States of America

As mentioned above, Rwanda continues to be a key participant in the armed conflict in the

DRC. In 1998, as in 1996, the US Government has again denied any involvement in the conflict in the DRC. However, it has admitted that its armed forces had, at least until July 1998, been training Rwandese government soldiers in counter-insurgency and other techniques. US military personnel have been training RPA soldiers during a period when Rwandese government forces have been involved in violations of human rights and international humanitarian law in Rwanda and the DRC. When fighting broke out in the DRC on 2 August 1998 an American delegation comprising representatives of the Departments of Defence and Foreign Affairs was visiting areas along the Rwandese border with the DRC. The US government reportedly claimed that its representatives were in Rwanda to "assess the Rwandese government's capacity to prevent another genocide". It was unclear whether the assessment included the Rwandese government's ability to prevent continuing atrocities by its own troops in Rwanda and in the DRC. The US Government stated at the start of August 1998 that it was due to withdraw its military experts from Rwanda. In light of the persistent and appalling RPA human rights record, Amnesty International is concerned that the US military and security assistance to the RPA could be used to commit atrocities in the DRC and in Rwanda. US government forces have provided military training to members of the Ugandan army, while private US security firms have been involved in military training for Rwandese government forces.

Zimbabwe

The Zimbabwean Government is reported to have given substantial military support to the AFDL during 1996 and 1997 [See AI DRC report entitled "*Deadly alliances in Congolese forests*", AI Index AFR 62/33/97, published on 3 December 1997.]. During this period, members of the AFDL and their allies are likely to have used some of the military equipment supplied by Zimbabwe and other countries to commit atrocities against tens of thousands of unarmed civilians. Zimbabwe is also reported to have been a conduit for arms imported by the DRC from China and North Korea. The state-run Zimbabwe Defence Industries was reportedly contracted in 1997 to supply arms and ammunition, uniforms, boots and dry food rations to the DRC worth over US\$500,000. Further reports indicate that such supplies continued and that Zimbabwe provided military advisors and military air transport to the DRC during 1997 and 1998. On 17 and 18 August 1998, the Ministers of Defence of Angola, Namibia, Zambia and Zimbabwe met in the Zimbabwean capital, Harare, to discuss the DRC crisis. Soon after, the Zimbabwean authorities reportedly announced that they and some other Southern African Development Community (SADC) Member States would provide military and other assistance to the DRC Government. From mid-August, the Zimbabwean Government reportedly deployed several hundred soldiers and jet fighters to the DRC to support DRC government troops against the RCD and its allies.

South Africa

The South African Government has given significant political and some security support to the DRC Government and has been critical of organizations and governments which have expressed concern about human rights violations by the AFDL and the government led by President Kabila. However, in mid-August 1998 South Africa rejected Zimbabwe's proposal to give military assistance to the DRC Government. South African President Nelson Mandela and his government have since taken a lead in a search for a negotiated settlement to the armed conflict in the DRC. On the other hand, South Africa has in recent years supplied military equipment to Rwanda and Uganda. The South African Government has authorized the supply of military equipment to Rwanda, despite public knowledge that in addition to human rights

violations in Rwanda, the RPA had played a major role in the armed conflict and human rights violations in the DRC. Private arms traders based in South Africa have also been involved in supplying small arms to the DRC.

Zambia and Namibia

Zambia has provided training to the DRC police. It has also been reported to be a conduit for small arms to the DRC Government and to armed opposition forces. Namibia was reported in mid-August 1998 to have provided about 20 tons of military weapons and other supplies to the DRC Government. In late August the Namibian Government admitted to supplying arms and other equipment to the DRC but continued to deny reports that it had also sent troops there. Most such small arms to the DRC originate in eastern Europe or from recycled stocks in central and southern Africa.

5. Conclusion

Parties to the armed conflicts in the DRC and in neighbouring countries have committed horrendous atrocities. Opposition groups which have taken up arms on the grounds that the governments they are fighting violate human rights have themselves been responsible for abuses of human rights and breaches of international humanitarian law, particularly deliberate and arbitrary killings of hundreds of thousands of unarmed civilians, including women and children not taking part in the hostilities. Millions of people have been forced to flee to areas inside or outside their countries where they have been subjected to further human rights abuses. These abuses will continue unless the international community resolves to place itself on the side of victims, regardless of their identity or that of the perpetrators, and takes a decisive position against human rights violators.

Much of the international community has, so far, either remained silent as unarmed civilians have been massacred or has taken sides with groups or governments responsible for human rights abuses. With a few exceptions, much of the international community has failed to condemn the overall climate of impunity in the region and thus fed the seemingly endless cycle of violence, human rights violations and crimes against humanity.

Amnesty International believes that although the current situation in the DRC is already critical, there is still an opportunity to prevent needless loss of life and suffering for millions of innocent civilians. Foreign powers and others have provided arms or funds to buy them to parties to the armed conflict in the DRC. The abundance of weapons channelled to all sides to the armed conflict has contributed to a climate of violence and impunity in which defenceless people are routinely ill-treated or killed. Despite this, none of the countries that have supplied weapons to the DRC and other countries involved in the conflict have taken any steps to ensure that their weapons would not be used to perpetrate human rights abuses. Furthermore, they have failed to acknowledge the part they and arms dealers in their countries have played in enabling armed forces in the Great Lakes region to commit human rights abuses.

Amnesty International believes that all governments have a responsibility to ensure that arms and training which they or those under their jurisdiction supply are not used to commit human rights abuses. The organization is opposed as a matter of principle to military, security or police transfers to government and armed opposition groups that can reasonably be assumed to contribute to human rights abuses such as deliberate and arbitrary killings, torture and other

forms of ill-treatment. Such transfers may include equipment, personnel or training, as well as proven financial or logistical support for such transfers. Governments should prohibit such transfers unless it can be reasonably demonstrated that they will not contribute to human rights abuses.

6. Recommendations

The international community needs to learn from its mistakes which have led to unacceptable levels of human rights abuses in the DRC and the central Africa region as a whole. Parties to the conflict, governments and intergovernmental organizations should urgently institute mechanisms to prevent an escalation of atrocities, particularly against unarmed civilians.

To governments and armed groups participating in the armed conflict

- Give public instructions to all combatants and supporters that human rights abuses will not be tolerated and that those responsible will be brought to justice;
- Instruct all combatants to abide by international humanitarian law, in particular Common Article 3 of the 1949 Geneva Conventions which specifically prohibits all parties to the conflict from targeting people taking no active part in the hostilities; in particular from carrying out acts of violence or torture against them, including rape, as well as taking hostages;
- Foreign governments participating in the armed conflict should ensure that their national armies abide by the 1949 Geneva Conventions and Protocol I of the Geneva Conventions. The fundamental provisions of Protocol I, including for the most part those concerning the protection of the civilian population, are considered to reflect customary international law and therefore binding on all states. Such provisions include a requirement to protect civilian lives, including the principle of distinction between military targets and civilians. Its Article 51 (2) states that the civilian population shall not be the object of attack and its Article 51(4) prohibits indiscriminate attacks. The Protocol also prohibits reprisal attacks against civilians and using civilians as shields.
- Announce and implement specific measures to prevent human rights abuses, including competent, independent and impartial human rights or judicial bodies to which victims or witnesses can report human rights abuses;
- Allow members of Congolese human rights organizations and other independent human rights observers to investigate and report on allegations of human rights abuses in areas under their control, and ensure that the investigators have unhindered and safe access to all such areas;
- Prevent any incitement to violence, discrimination or hatred against any groups or individuals and ensure their protection from human rights abuses, regardless of their ethnic, political or other affiliation;
- Publicly undertake to implement the recommendations of the UN Secretary-General's Investigative Team, including cooperating with a follow-up UN inquiry into the atrocities committed in the DRC since 1993 once established and to ensure that those found responsible will be brought to justice in trials that conform to international standards for fairness and exclude the use of the death penalty;
- Release all detainees held outside the law, prevent any arbitrary arrests, and

ensure that humanitarian organizations, such as the ICRC, have access to and are allowed to assist all detainees in all detention centres;

- Give clear public instructions to armed force commanders not to recruit children and to exclude from their ranks any children that may already have been recruited.

To other governments, in particular Members of the UN, the OAU and SADC

- Publicly condemn all human rights abuses that have been and are being committed in the DRC, regardless of the identity of the perpetrators or the victims.
- Prevent supplies of light weapons and other types of military, security or police equipment to all governments and armed groups implicated in the war in the DRC, which would be used by parties to the conflict or by their allies to commit human rights abuses. Given the persistent and well-documented patterns of arbitrary killings of unarmed civilians by all parties to the conflict in the Great Lakes region, it is clear that in the present situation, such equipment is likely to contribute directly to further human rights abuses. Security equipment classed as "non-lethal" (such as military transport, including armoured vehicles and helicopters) is also being used to facilitate human rights abuses and should not be supplied to either side.
- Support the work of the UN Commission of Inquiry into arms transfers to the former Rwandese armed forces and urge the UN Security Council to extend its mandate to cover all arms transfers which are being used for grave violations of international humanitarian law and human rights standards in the Great Lakes region, including in the DRC, and other countries involved in the conflict there. This would include a mandate to investigate and report on transfers to Angola, Burundi, Rwanda, Uganda and Zimbabwe.
- The OAU and the SADC should state very clearly their commitment and determination to ensuring that impunity is ended in the region once and for all in order to ensure lasting protection from human rights abuses for the people of central Africa;
- To ensure that perpetrators are brought to justice, investigations should continue through the establishment by the UN Security Council of a competent, independent and impartial investigative body. This body should pursue the work carried out by the SGIT. The Security Council should exert political pressure to ensure that the investigative body has unfettered access to the DRC, but in the event of access being denied, the body should gather testimonies from victims, witnesses and other sources outside the DRC.
- The UN should seek safety guarantees for, reopen and strengthen the office of the UN High Commissioner for Human Rights in the DRC to monitor and report on the human rights situation in the country, and recommend measures which should be taken by the DRC Government and the international community to address impunity for past violations and to prevent further human rights abuses in the DRC;
- Provide support to and reaffirm the importance of the mandate of the three experts of the Commission on Human Rights on the DRC, Rwanda and Burundi. The experts should submit their reports to the UN General Assembly for consideration at its regular session including specific recommendations to address the current deterioration of the situation. The experts should be given political and material support to carry out a visit to

the DRC in order to report on the human rights situation there when it is safe to do so.

- Request the UN High Commissioner for Human Rights to convene another extraordinary coordination meeting of the UN human rights experts on the Great Lakes region, following on the one convened by the previous UN Commission on Human Rights in 1996, to draw up recommendations to prevent a deterioration of the human rights situation in the region. The meeting should also receive contributions from UN agencies and relevant treaty bodies, as well as other inter-governmental and non-governmental bodies which have expertise relevant to addressing the current human rights crisis. A report containing their findings and recommendations should be discussed at the UN General Assembly at its forthcoming session in order to allow this body to make concrete recommendations to address the present human rights situation.
- Urge the Rwandese Government to allow a redeployment of the UN Human Rights Operation in Rwanda (UNHRFOR), which was withdrawn in July 1998, and to allow the Operation to investigate and report on the human rights situation in Rwanda. Ask for a reinforcement of the UN human rights field presences in the Great Lakes region, including deploying human rights monitors in the DRC.

COPYRIGHT NOTICE

The copyright for all information available at this Web site rests with Amnesty International. You may download and read these documents. You may not alter this information, repost or sell it without permission. If you use any of these documents, you are encouraged to make a [donation](#) to Amnesty International to support future research. The address of your nearest AI office [can be found here](#).

[back](#)

JOINT COMMUNIQUE OF THE SECOND VICTORIA FALLS
SUMMIT

We, the Heads of State and Government of the Republic of Angola, the Democratic Republic of Congo, the Republic of Namibia, the Republic of Rwanda, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe as well as the Secretary General of the Organisation of African Unity, met from 07 to 08 September 1998 at Victoria Falls, Zimbabwe.

The meeting which was chaired by President Frederick Chiluba of Zambia was a follow up to the previous efforts made to end the crisis in the Democratic Republic of Congo. Those efforts include the Victoria Falls Summit of 07-08 August 1998, the Pretoria SADC Summit of 23 August 1998 and the Durban consultations of 03 September 1998, as well as other efforts made to find a peaceful solution to the conflict in the Democratic Republic of Congo.

Following our frank and in-depth discussion on the origin and evolution of the conflict in the Democratic Republic of Congo, we believe that in the interest of the people of that country, the region and Africa, there must be an end to the war in the Democratic Republic of Congo. We accordingly call for the immediate cessation of hostilities.

We reaffirm our support for the unity, stability and territorial integrity of the Democratic Republic of Congo. In accordance with the relevant provisions of the UN and OAU Charters, as well as the provisions of Resolution AHG/16/1 adopted in Cairo in 1964 on

territorial integrity and the inviolability of national boundaries as inherited at independence.

We agreed on the need to address the security concerns of the Democratic Republic of Congo and those of the neighbouring countries. In this regard, we declare our preparedness to assist in whatever ways possible, to achieve that objective.

We hereby mandate our Ministers of Defence and other officials working in close cooperation with the OAU and the United Nations to meet at the OAU Headquarters in Addis Ababa, Ethiopia, on Thursday 10 September 1998 to establish the modalities for effecting an immediate cease-fire and a mechanism for monitoring compliance with the cease-fire provisions, especially, those relating to the withdrawal of foreign forces from the Democratic Republic of Congo.

We also affirm our support for the Government of the Democratic Republic of Congo under the leadership of President Laurent Kabila, to achieve its declared intention of broadening the political dialogue which will take into account the interest of all the citizens of the Democratic Republic of Congo.

VICTORIA FALLS, ZIMBABWE
08 SEPTEMBER 1998

**POSITION OF THE HIGH COMMAND ON THE PRESENCE OF
THE UPDF IN THE DRC:**

WHEREAS for a long time the DRC has been used by the enemies of Uganda as a base and launching pad for attacks against Uganda;

AND

WHEREAS the successive governments of the DRC have not been in effective control of all the territory of the Congo;

AND

WHEREAS in May 1997, on the basis of a mutual understanding the Government of Uganda deployed UPDF to jointly operate with the Congolese Army against Uganda enemy forces in the DRC;

AND

WHEREAS when an anti-Kabila rebellion erupted in the DRC the forces of the UPDF were still operating along side the Congolese Army in the DRC, against Uganda enemy forces who had fled back to the DRC;

NOW THEREFORE the High Command sitting in Kampala this 11th day of September, 1998 resolves to maintain forces of the UPDF in the DRC in order to secure Uganda's legitimate security interests which are the following:

- 1 To deny the Sudan opportunity to use the territory of the DRC to destabilize Uganda.
- 2 To enable UPDF neutralize Uganda dissident groups which have been receiving assistance from the Government of the DRC and the Sudan.

- 3 To ensure that the political and administrative vacuum, and instability ~~caused by the fighting between the rebels and the Congolese Army~~ and its allies do not adversely affect the security of Uganda.
- 4 To prevent the genocidal elements, namely: the Interahamwe, and ex-FAR, which have been launching attacks on the people of Uganda from the DRC, from continuing to do so.
- 5 To be in position to safeguard the territorial integrity of Uganda against irresponsible threats of invasion from certain forces.



COMMUNIQUE OF THE EAST AFRICAN CO-OPERATION HEADS OF STATE SUMMIT ON THE SECURITY SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO

1. At the invitation of H.E. President Daniel T. Arap Moi, President of the Republic of Kenya, H.E. Mr. Yoweri Kaguta Museveni, President of the Republic of Uganda and H.E. Mr. William Benjamin Mkapa, President of the United Republic of Tanzania, attended the East African Co-operation Consultative Summit on the security situation in the Democratic Republic of Congo (D.R.C.) in Nairobi on 18th October, 1998.
2. The Summit noted with grave concern the escalation of the conflict, which has taken a wider dimension threatening to engulf the whole region, including the East Africa sub-region.
3. Observing that the crisis was impacting negatively on the region, precipitating an influx of refugees into neighbouring countries, the displacement of populations, threats of genocide and decline in trade and investments, the Summit underscored the urgent need to address the situation.



4. The summit re-affirmed the unity and territorial integrity of D.R.C. in accordance with the principles of O.A.U. and U.N. charter
5. The Summit further re-affirmed the need to address the genuine security concerns of the countries neighbouring D.R.C.
6. The Summit examined all options for speeding up a resolution to the D.R.C. crisis and called for:
 - i. immediate cessation of hostilities.
 - ii. Immediate negotiation of a cease-fire agreement and a troop standstill.
 - iii. Security for marginalised groups.
 - iv. Take measures to address security concerns of neighbouring countries.
 - v. Orderly withdrawal of all foreign troops.
 - vi. Initiate an all inclusive political dialogue.
 - vii. Emplacement of a neutral international peace keeping force under the auspices of O.A.U. and U.N.
7. The summit resolved that urgent measures be taken to facilitate the implementation of these decisions. In this



regard, they mandated their ministers in-charge of Foreign Affairs, Regional Corporation and Defence to make a follow-up of the decisions.

8. The East African Co-operation member states expressed their deep concern with the maintenance of peace and security in the region. In this regard, they agreed to support efforts already under way by SADC member states in consultation with O.A.U. and U.N.

9. The Heads of State visited the site of the Bomb Blast of 7th August, 1998 and laid wreaths in remembrance of all those who lost their lives in the terrorist attack. The Summit condemned all acts of terrorism and called for concerted efforts to combat and eradicate terrorism in all its forms.

10. H.E. President Yoweri Kaguta Museveni and H.E. President William Benjamin Mkapa, expressed their appreciation to their host H.E. President Daniel Arap Moi, the Government and the people of Kenya for the warm welcome and hospitality extended to them during their stay in Kenya.

Done in Nairobi on 18th October, 1998



U.S. Department of State Office of the Spokesman Press Statement

Press Statement by James P. Rubin, Spokesman
October 20, 1998

The Congo Conflict

The United States supports the multiple efforts of regional leaders to end the Congo conflict, including the efforts of the OAU, President Chiluba of Zambia, President Mandela of South Africa and the recent summit in Nairobi of Presidents Moi of Kenya, Mkapa of Tanzania and Museveni of Uganda. We share their deep concerns about the escalation of the conflict.

The United States has consistently called for a cease-fire, the withdrawal of all foreign forces, an end to ethnic-based killing, respect for human rights and the safety of humanitarian workers and other non-combatants. We urge all sides to halt further offensive action and pursue immediate negotiations to resolve the underlying causes of the conflict: the security concerns of Congo's neighbors, the lack of broad-based participation in the political process, and full rights for all ethnic groups in the Congo.

We also reiterate our unequivocal support for the territorial integrity of the Congo and condemn any violation of this fundamental principle of both the United Nations Charter and the Organization of African Unity.

We are gravely concerned about reports that insurgent groups motivated by ethnic hatred such as the Interahamwe militia and the ex-Rwandan armed forces are actively involved in the conflict. We condemn the Congolese government's efforts to recruit and train these groups and view with alarm the fact that this conflict is strengthening the hand of the perpetrators of the 1994 Rwanda genocide.

In the wake of recent fighting in which large numbers of prisoners were reportedly captured, we call on all parties to the conflict to respect international law, including applicable conventional law on prisoners of war, assume their responsibilities for their protection and allow the Red Cross access to them.

[end of document]

|| [Press Statements Index](#) | [State Department Home Page](#) ||

This is an [official U.S. government source](#) for information on the World Wide Web.
Inclusion of non-U.S. Government links does not imply endorsement of contents.

MEDIA STATEMENT ISSUED BY THE REGIONAL MEETING OF MINISTERS OF FOREIGN AFFAIRS AND DEFENCE ON THE SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO HELD IN LUSAKA, ZAMBIA FROM 26 - 27 OCTOBER 1998

At the invitation of President Frederick J T Chiluba of the Republic of Zambia, the Regional meeting of Ministers of Foreign Affairs and Defence on the situation in the Democratic Republic of Congo took place in Lusaka, Zambia from 26-27 October 1998. The meeting which was chaired by Hon. E S Silwamba, MP, Minister for Presidential Affairs of Zambia, was attended by Ministers from Angola, the Democratic Republic of Congo, Burundi, Gabon, Kenya, Libya, Mozambique, Namibia, Rwanda, South Africa, Tanzania, Uganda, Zambia and Zimbabwe. Also in attendance were the representatives of the United Nations and Southern African Development Community.

The Opening session of the meeting was addressed by the President of the Republic of Zambia Mr Frederick J T Chiluba, the Secretary-General of the OAU and a representative of the Secretary-General of the United Nations and the Executive Secretary of SADC.

The meeting focused on issues relating to the cessation of hostilities in the DRC, the establishment of a Cease-fire Agreement, the mechanisms for implementing the Cease-fire Agreement, the withdrawal of foreign forces, addressing the security concerns of the DRC and the neighbouring countries as well as other follow-up mechanisms for facilitating the peace process in the DRC.

At the end of a comprehensive review of all these issues, the meeting:

1. Adopted in principle a draft Cease-fire Agreement and also a Mechanism for Implementing and Monitoring a Cease-fire Agreement, pending further consultations with all concerned. In this regard, there was an acknowledgement by Angola, Namibia, Zimbabwe and Uganda of the presence of their troops in the DRC. Rwanda did not acknowledge the presence of its troops in the DRC.
2. Established a Mechanism for the involvement of the rebels in working out the modalities for the implementation of the cease-fire. In this regard, proximity talks with the rebels were to be facilitated by the following:
 - Zambia as Chairman of the Meeting
 - The OAU
 - The UN
 - SADC
 - Mozambique
 - South Africa
 - Tanzania

Within the framework of the established Mechanism, consultations were undertaken with the rebels in Lusaka on 26 and 27 October 1998.

3. With regard to the security concerns of the DRC and the neighbouring countries, the following countries - Angola,

Burundi, Rwanda, Uganda explained in detail, their security concerns. The meeting resolved to address these concerns through a Mechanism involving military experts to be established in the future.

4. The meeting expressed its gratitude to the Government and the people of Zambia for the warm reception and hospitality extended to all participants in the meeting.

LUSAKA, ZAMBIA, 27 OCTOBER 1998



THE REPUBLIC OF UGANDA

**UGANDA'S POSITION
ON
ISSUES OF
PEACE AND SECURITY
IN THE
GREAT LAKES REGION**

THE CONFLICT IN THE DEMOCRATIC REPUBLIC OF CONGO

THE INTERNAL AND EXTERNAL DIMENSIONS

INTRODUCTION

One of the biggest problems in addressing the current political situation in the Democratic Republic of Congo (DRC) has been the DRC government's stance that there is no rebellion in the DRC, but rather an invasion of DRC by Uganda and Rwanda.

Contrary to DRC's deliberate stance, the crisis in that country is fundamentally an internal conflict with external dimensions. This fact is now regionally and internationally acknowledged. Internally, there is political resentment and an armed opposition by Congolese parties, in the DRC. Externally, some neighbouring countries, including Uganda, have legitimate concerns as a result of internal weaknesses and/or deliberate policies in the DRC.

The internal dimensions are for the Congolese people to determine their own destiny and indeed they coalesced and contributed to the eventual ouster of former President Mobutu Sese Seko. During the current regime of President Laurent Desire Kabila, internal concerns remain at the centre of the crisis in the DRC.

What is, however, of great concern to outsiders like Uganda is DRC's persistent support for dissident groups from neighbouring countries and its connivance with the perpetrators of the 1994 genocide in Rwanda.

The crisis was ignited in 1996 when Mobutu's regime disowned Congolese of Tutsi origin (the Masisi and Banyamulenge) and threatened to evict them from their ancestral land which they had occupied long before the present borders were drawn. This was with the full connivance of the perpetrators of the 1994 genocide in Rwanda. Rwanda which saw themselves threatened joined forces with the Alliance of Democratic Forces for the Liberation of Congo-

Zaire (ADFL/Congo-Zaire) and brought down to a tragic end Mobutu's regime.

DRC UNDER H.E. PRESIDENT LAURENT DESIRE KABILA

When Mr. Laurent Desire Kabila was sworn in as President of the DRC on 29 May 1997, he enjoyed wide support internally as well as regionally. There was hope that his immediate preoccupation would be to reverse the negative attributes inherited from the Mobutu era. Indeed, with Mobutu gone and Kabila in power everyone assumed the situation in DRC could only change for the better.

Instead, President Kabila concentrated on monopolising power, thereby alienating the opposition groups to his method of rule. Civil opposition leader, Etienne Tshisekedi, was sent into internal exile. Those who criticized him were sacked or imprisoned. President Kabila became suspicious of the very forces that brought him into power. Consequently, the Congolese Banyamulenge were targeted and President Kabila increasingly started to recruit his own tribesmen from Katanga into the national army to the chagrin of other social groups in DRC. He failed to endear himself to the Congolese people.

The human rights record in the DRC has been mostly negative which came to light with impediments that the DRC leadership put to the work of the UN Investigation Team on human rights abuses. The much hoped for accomplishments in economic reform and growth have not been realised with the country's rich resources mostly being plundered. There has been no credible open system or transition to good governance.

Moreover, President Kabila continued to antagonize the international community over human rights abuses during the war that brought him to power as well as over economic interests (mining concessions) and the repayment of external debts owed to multilateral Financial Institutions (IMF/World Bank). Corruption and nepotism have remained endemic as during the Mobutu regime.

Of particular concern to Uganda, Sudan-backed Ugandan rebels continued to launch attacks on Uganda from DRC territory. The

Interahamwe and Ex-FAR were also gaining renewed ground in President Kabila's DRC. Rwanda which had thought the Kabila regime would now put to an end the Ex-FAR and Interahamwe incursions into Rwanda, was grossly disappointed and in fact its efforts for permanent security in Rwanda threatened. Uganda which all along had been threatened by incursions of the rebel groups mostly of ADF in Western Uganda, but also West Nile Bank Front (WNBF) and Uganda National Rescue Front II (UNRF II) using secure bases in DRC during Mobutu's regime also thought with Kabila in power, these incursions would cease. This was not to be the case

DRC's woes and President Kabila's troubles should be traced from there where rebellious groups within DRC started to wage war against his regime. This has nothing to do with the so called building of a Hima-Tutsi empire nor the alleged invasion by Uganda and Rwanda. The troubles stem largely from inside the belly of the DRC. On the so called re-establishing of a Hima-Tutsi empire, those propagating the idea are obscurants trying to make smoky what is otherwise clear to see. From a historical point of view, there has never existed such an empire in the interlacustrine region, nor anywhere else, because the two groups have never been rulers.

As a neighbouring country and because of its own security concerns, Uganda had been following the developments in DRC with keen interest. It had been hoped that Mr. Laurent Desire Kabila, who by circumstances had emerged as the Leader of the Alliance of Democratic Forces for the Liberation of Congo-Zaire, would overcome his past weaknesses through regional advice and counsel. First, H.E. President Yoweri Kaguta Museveni tried to draw his attention to the issues at hand, with no avail. Other regional leaders tried. As tension mounted with H.E. President Kabila falling out with the very allies he had started off the struggle with, H.E. President Museveni, on the occasion of the SADC Economic Forum Seminar in Namibia, proposed a regional Summit on DRC. The main reason for the Summit was to pre-empt any break-up of a rebellion of Congolese parties against their government.

The regional Summit was convened by H.E. President Robert Mugabe of Zimbabwe on 7 - 8 August 1998 in Victoria Falls, five days after the

war in DRC had erupted (2 August 1998) between President Kabila's government and the Congolese armed opposition. At the time, the chance to reverse the events was not entirely lost if only the issues at hand were addressed in their rightful context. Quite diversionary is DRC's insistence that there is no internal rebellion in the country and instead the allegation made by DRC that Uganda and Rwanda had committed aggression against the country.

THE ISSUES

As stated above, the internal issues are for the Congolese people to determine their own destiny.

The regional problems mainly affect Rwanda (ex-FAR and Interahamwe), Angola (Savimbi and UNITA) and Uganda (activities of Sudan-backed Ugandan rebels especially the ADF). Uganda's support for the anti-Mobutu campaign was actually because of this problem. Uganda's involvement against Mobutu was also partly because of the impending genocide against Banyamulenge. Rwanda was more involved on this particular issue for very understandable reasons.

The actions of Interahamwe and ex-FAR Rwandese, constitute a regional threat. For example in Garamba Park (DRC) at the border between Sudan, DRC and CAR. Interahamwe and Ex-FAR were training together with Ugandan rebels to destabilize Uganda.

It will be recalled that only recently, the Interahamwe massacred over one million people in the 1994 genocide in Rwanda. Surely, the region and the international community cannot forget the gruesome experiences of 1994 so soon. In Uganda, we cannot forget the inhumanity inflicted on those victims when bodies, in parts, appeared on our part of Lake Victoria. Imagine a baby still tied to its mother with both missing their heads! Heads and other limbs pierced on poles as if ready for roasting! A repeat of that vivid experience should never be allowed; and the whistle has already been blown.

There is an opinion which is unacceptable to the Government of Uganda. This opinion is that a Government, because it is ruling over

a sovereign country, like DRC or Uganda, has got a right, if it so chooses, to exterminate any group of people within that country. According to this opinion, Rwanda, Uganda and others were wrong to oppose Mobutu's genocide schemes over the Banyamulenge. Tanzania was wrong to oppose Idi Amin in the 1970s because he was just killing Ugandans who were his subjects. The Americans, the Europeans and others are wrong in opposing genocide in Bosnia. Many of us have been wrong in opposing the slow genocide of black people in the Sudan. Indeed we were wrong to oppose the racist minority regimes of Rhodesia and South Africa.

Uganda has never agreed with this vulgarization of the concept of sovereignty of the state. Uganda is on record, during the 1986 OAU Summit to have criticised the OAU for having looked on, under the guise of sovereignty, when close to 800,000 Ugandans were murdered by the state under the regimes of Amin and Obote. There are certain matters that must be universal. Among these, we can cite two: sovereignty of the population and not just the regimes and the inviolability of the sanctity of life, especially the banishment of genocide but also extra-judicial killings.

While Uganda recognizes the sovereignty of states and supports the inviolability of borders as inherited at independence, Uganda remains opposed to the violation of an even more fundamental sovereignty - the sovereignty of the people, more particularly by the genocidiaries. Some people ask: "Why should Uganda arrogate to itself the role of stopping genocide in the Great Lakes Region?" The answer is that in 1994 in Rwanda one million Africans were massacred and no body did anything.

The genocide only stopped when the Rwandese Patriotic Front (RPF) swept the rotten group of killers out of power and out of the country. The same thing would have happened to the Banyamulenge in 1996, if the Rwanda army and the Banyamulenge themselves had not acted in time. In Uganda, during the time of Amin and Obote, eight hundred thousand Ugandans were killed. In the Luwero Triangle there are thirty mass graves. This genocide only stopped when the criminal regimes of Obote and Okello were routed. We were supported by a few friends like the Tanzanians in our lonely struggle. In East Africa,

some countries have, therefore, resolved that we shall never tolerate genocide again. We believe, it is this resolve that has, for instance, deterred the leaders of the Burundi junta from launching a new genocide.

On the question of not interfering in the "internal affairs" of sovereign states. First of all, Uganda was rescued by "interfering in those internal affairs" by our Tanzanian brothers and others. Secondly, President Kabila was put in power by, especially, Rwanda, but also others by, "interfering" in the "internal affairs of Mobutu's Zaire to defend themselves but also to help the Congolese patriots. If you reject, "interfering in internal affairs" under all circumstances, then the government of President Kabila should resign and we install Mr. Likulia Bolongo, the last Prime Minister of President Mobutu. Otherwise we become inconsistent and we transform the otherwise laudable principle of non-interference into a charade behind which we commit evil.

There has been talk that there are good and bad foreign countries that are involved in the DRC conflict. The so called good countries are those invited by President Kabila, which countries have sent troops that are fighting on President Kabila's side. The so called bad countries are those that are alleged to be supporting the rebels or the ordinary people of Congo. We are convinced that foreign interference is bad. It becomes even worse when those foreign forces support one faction or the other in a country and end up distorting the politics of that country. Foreign intervention can only be positive if it promotes national reconciliation and national harmony. We were the first to be invited over a year before the eruption of the rebellion in DRC. We are in the Congo purely because of the security interests of Uganda. We are not there to fight other people's wars. We will pull out of the Congo if we are assured of an acceptance arrangement that addresses Uganda's security concerns. Our view is that all foreign troops should leave the DRC. The withdrawal should be done after a cease-fire and when neutral multi-national forces have taken up positions in the DRC to supervise strict observance of the cease-fire and ensure security of the neighbouring countries.

The problem in the DRC is essentially political and requires a political settlement between President Kabila's government and the entire Congolese opposition, both armed and un-armed. This necessitates an internally negotiated political settlement, with regional countries, the OAU and the UN acting as guarantors to the political process. Security concerns of neighbouring countries will need to be addressed within the comprehensive framework for a permanent solution to the problem. Suffice is to give below here further details of Uganda's security concerns.

UGANDA'S SECURITY CONCERNS

It is a fact that some neighbouring countries to the DRC have legitimate security concerns emanating from the latter's territory. Indeed the Regional Heads of State have not only discussed the issue but also pronounced themselves on it. At their Summits in Victoria Falls, Durban and Nairobi, among others, the Heads of State recognized that there are security concerns of neighbouring countries to the DRC that need to be addressed within a comprehensive framework for a permanent solution to the problem. As earlier mentioned, Uganda's security concerns did not start with President Kabila's DRC. President Kabila's government was itself partly a direct result of security concerns of neighbouring countries. During Mobutu's regime, Mobutu in collaboration with Sudan chose to give support to Ugandan rebels who had a programme to destabilize Uganda. From 1995 we experienced frequent attacks launched from the DRC territory.

Uganda's involvement in the DRC (indirectly during the Kabila struggle and more directly this year) is because there has been a threat to our national security, emanating from DRC in the form of support for National Army for the Liberation of Uganda (NALU) during Mobutu's regime, and more recently, the Allied Democratic Forces (ADF).

The ADF (military group) started as a Religious Islamic Sect of Tablighs in 1993 with the aim of overthrowing the traditional (conservative) national Islamic leadership and the "non-Islamic government" in Uganda. Sudan, through its Embassy in Uganda, facilitated a nucleus Salaaf group of Tablighs from which about 250

rebels were recruited to organise and fight Uganda government. The group camped at a place called Buseruka in Western Uganda and started military training. Government forces, however, attacked them in 1995 and destroyed the camp. About forty five (45) survivors fled to Zaire (DRC) where they were re-organised and re-equipped by Mobutu and Sudan. They later united with the remnants of NALU and formed the ADF who attacked Uganda on 13 November 1996 at Mpondwe on the border with Zaire but were repulsed and fled back to Zaire. The attack was planned in Kaya (Sudan) and the rebels were infiltrated into Uganda through Zaire with the full knowledge of the Mobutu government.

When Mobutu was ousted, we had hoped that our concerns would be addressed by the new authorities in Kinshasa. Unfortunately, this did not happen. President Kabila solved his own problem of ascending to power but forgot our own problem. We continued to experience the attacks under President Kabila's government.

Of course Uganda did not expect an improvement to happen so soon because of capacity constraints by the DRC government. That is why the two countries reached a mutual arrangement that led to a joint military presence in the DRC to jointly terminate any attacks from either territory, including by Sudan-backed Ugandan rebels in the Eastern DRC.

The Protocol to this effect was signed between the two countries on 27 April 1998, inter alia, "to cooperate in order to insure security and peace along the common border".

Initially, Uganda received cooperation from the Rwandese officers who were manning the DRC Eastern area bordering Uganda. Uganda carried out joint operations with the RDC Armed Forces (FAC) against ADF and the operations registered success at least for some time.

However, when the Rwandese Patriotic Army (RPF) Officers started pulling out of DRC, the cooperation from FAC officers started dwindling. Even when the Rwandese were still there, some FAC commanders would cohabit peacefully with ADF rebels saying that the

latter were enemies of Uganda and not DRC and in some cases facilitated the rebels. For example, one ~~Col. Ebemba, Mobutu's~~ Commander who planned and led ADF to attack Uganda on 13 November 1996, was re-deployed in the Eastern province of DRC, where ADF was operating from by the Kabila regime. This meant that ~~Ebemba~~ would continue to facilitate ADF activities just as he used to do during Mobutu days. He was transferred after Uganda had bitterly protested.

Since 1996, ADF from bases in DRC has raided Uganda and killed many people, injured others and destroyed property. From November 1996 when ~~ADF started its activities~~ up to 24th November 1998, about 552 people have been killed, over 256 injured, 904 abducted and about 35,000 have been internally displaced (IDPs). However, most of the abductees have been rescued. The most gruesome attack was the Kichwamba Technical School massacre of 8 June 1998 in Western Uganda in which over 80 students were burnt to death and 100 abducted. The most prominent ADF attacks are the following:-

Date	District	Place	People killed	People injured	Abducted
13.11.96	Kasese	Mpondwe	20	-	400
30.04.97	Kasese	Kasese	50	-	-
23.07.97	Bundibugyo	Ntoroko	28	12	14
August 1997	Kabarole	Karambi	35	14	7
14.09.97	Bundibugyo	Nyakahuka Refugee Camp	30	-	-
08.06.98	Kasese	Kichwamba Technical College	Over 80	several	100
01.08.98	Kasese	Kasese Town	8	6	-

ADF rebels continued to launch attacks on Western Uganda district from their bases in DRC until Uganda Peoples Defence Force (UPDF) increased its troops in Eastern DRC and over-ran several ADF Camps there.

The situation was not helped when the current rebellion erupted in the DRC on 2 August 1998. Sudan, the main backer of Ugandan rebels has continued to play an active role. Uganda cannot afford to leave vacuum lest Sudan takes advantage of the situation and intensify its support to Ugandan rebels on DRC territory. Indeed, Sudan has since mobilized more Ugandan rebel factions and moved them to the DRC with motives to launch massive attacks on Uganda. This could only happen with the tacit approval of the authorities in Kinshasa.

The military incursions that have been inflicted on Uganda by Sudan are well known. These include the yearly aerial bombardments and cross border incursions on Ugandan territory. Initially Sudan was using its own territory as the launching pad for Ugandan rebels. When they lost much of it in Southern Sudan to the SPLM/SPLA, they increasingly started to use the DRC territory. There is evidence that during the fight for Kindu between DRC forces and Congolese rebels the latter captured many Ugandan rebels of different factions backed by Sudan. Sudan also nursed the idea that its atrocious activities in Northern Uganda were not being felt by the Uganda government since, to them, the latter cared less about its nationals in Northern Uganda. Therefore, Sudan wanted to hit where it hurts most - Western Uganda. Of course this is rubbish; Sudan has simply failed to over-run Northern Uganda ever since.

All along, Sudan has been designing plans to use the many and larger airports/airfields in Eastern DRC to launch massive aerial attacks on Uganda. Following the events of 2 August 1998, this advantage could not be allowed them. For its security and because there was no semblance of Congolese authority in Eastern Congo bordering us, Uganda had no alternative, but to take control of key airports/airfields in Eastern DRC.

Sudan has been indirectly destabilizing Uganda from DRC since 1993; and since eruption of war in the DRC on 2 August 1998, diplomatic

and other contacts between DRC and Sudan have increased. Consequently Sudan's involvement in the DRC war intensified leading to the deployment of its troops (including Ugandan rebels based in Sudan) to Kisangani and Kinshasa. Some of the Ugandan rebels captured when these two towns fell to Congolese rebels, testified that they were recruited from refugee camps in Sudan by President Kabila's son and Taban Amin, son of Uganda's former dictator Ydd Amin who is also sponsoring Ugandan rebels.

Sudan directly sponsors and provides bases to several rebel groups opposed to the Uganda government. These include West Nile Bank Front (WNBF), Uganda National Rescue Front II (UNRF II), and Lord's Resistance Army (LRA) whose Camps in Sudan are at Jabelin, Nesitu, Lilia, Rojo Hills and Juba.

An Amnesty International (AI) report on Human Rights violations by LRA entitled "Breaking God's Commands-The destruction of Children by LRA" 18 September 1993, says:

"Sudan government's support for the Lords Resistance Army (LRA) rebels has been a crucial factor in the movements operations since 1994. Sudan provides weapons and a secure rear base where abducted children are trained. Sudan also uses LRA as a proxy army (a militia) to fight its own SPLA. ... abducted children who escape tell stories about "Arabs" bringing LRA food, guns, and giving advice. Sudan government can therefore be held responsible for human rights abuses committed by LRA because it is the one facilitating and sanctioning the method used in their abuse".

Since 1995, between 5 000 and 8,000 children aged 11 to 16 years from Northern Uganda have been abducted by LRA; the most notorious one being the abduction of **139 aboke Senior Secondary School Girls** in October 1996. A part from these children, hundreds of people (Ugandans) have been killed and property destroyed. Notable among these atrocities are:-

Date	District	Place	People killed	People injured	People abducted
22.04.96	Gulu	Atiak	Over 200	-	-
04.03.96	Gulu	Karuma	130	-	-
29.07.96	Gulu	Kilak	8	-	-
13.09.96	Gulu	-	24	-	16
25.09.96	Gulu	-	26	-	24
08.10.96	Apac	Aboke S.S.S	-	-	139
08.11.96	Moyo	-	-	-	25
12.01.97	Kitgum	Palabek	312	-	-
14.01.97	Gulu	Kilak	26	-	-
19.01.97	Kitgum	Atanga	41	-	-
09.02.97	Kitgum	-	24	8	10
04.07.97	Gulu	Nwoya	-	-	50
14.07.97	Kitgum	Acholi Pii	110	-	-
14.12.97	Apac	Kamdini	32	12	24

The above incidences are the only ones cited because people were either massacred or abducted in big numbers. Otherwise, there are very many more people (in their thousands) who have been killed by the Sudan backed rebels in Northern Uganda:

As early as 1995, Uganda registered criminal acts akin to terrorist activities. By 1997, these terrorist activities sponsored by Sudan had actually progressed into full-blown terrorist activities. Since July 1997, there have been nine (9) terrorist attacks carried out in Kampala using grenades and home-made bombs. In all, 16 persons died and other 60 have been injured.

Sudan has also persistently violated Uganda's airspace and its planes have consistently bombed our territory in which people have been killed, others injured and property destroyed. Despite all the above support, Uganda has managed to contain the rebels and had it not been the rebel bases inside the Sudan, Northern Uganda would be peaceful. Some bombing incidents by Sudan include:

Date	District/Region	Place
22.09.95	West Nile	Moyo town
08.04.96	Koboko	Keri
13.02.97	West Nile	Moyo town
27.09.98	Bundibugyo	Bukaka
03.10.98	Adjumani	Pakele
08.10.98	Adjumani	Unyama & Mugali

Sudan sought for bases in DRC to attack Uganda from the West so as *"to hit where it hurts most"* and to compliment the Northern (Uganda) rebel activities. Sudan's threat to Uganda from DRC is worse than the threat from northern Uganda because Sudan Peoples Liberation Army (SPLA) to some extent shields Uganda from direct attacks by Sudanese Armed Forces.

Internal weaknesses in the DRC have forced President Kabila to look for foreign troops everywhere including Sudan. Sudan, like any other country that gave President Kabila military assistance, gave its demands that Kabila allows Sudan to use Eastern DRC, especially the airports, to launch attacks on Uganda and to supply Ugandan rebels with arms and other logistics. President Kabila's demand for foreign troops has therefore provided Sudan with the rare opportunity she has all along cherished.

Ugandan troops therefore advanced to the strategic positions in DRC as a pre-emptive measure of making it impossible for Sudan to re-supply arms to Ugandan rebels and reinforce its troops using DRC airports/airfields in the Eastern Province.

The genocide threat in DRC is apparent, more so, when at the beginning of the present crisis, the government encouraged its citizens to liquidate all people of Rwandese extraction. Reports indicate that the UN itself has been worried about the impending catastrophe. A UN report dated 23 November 1998 authored by Mahmoud Kassem, inter alia, says:

"The situation in the region is rapidly heading for a catastrophe. The danger of the repetition of the tragedy comparable to the Rwandan genocide of 1994, but on a sub-regional stage cannot be ruled out."

The report says that some other twenty (20) rebel groups in addition to those from Rwanda, are now operating in the region and forging links with other armed groups in Angola, Burundi, Uganda and elsewhere. It adds:

"...this time the rebels are not only aligned among themselves but they are aligned with governments which are using them for their own purpose".

The governments which are giving these killers legitimacy and help are Sudan and DRC. If an International body (UN) itself is worried about the dangers of these genocidaires, how about those in the region who are going to be directly affected by the genocide?

These concerns and others enumerated herein are real and they must be addressed in any attempt to find a just and lasting solution. On its part, Uganda is ready to pull out of the DRC as soon as appropriate measures that guarantee our security are put in place.

DRC ALLIES

The Victorial Falls Summit of 7 - 8 August 1998 was characterized by accusations and counter accusations. DRC insisted that Rwanda and Uganda had invaded DRC. On the other hand, Rwanda and Uganda maintained that what was happening in the DRC was an internal rebellion. Consequently, one of the outcomes of the Summit was to appoint a Ministerial Committee to establish the facts. Members of

the Committee moved around the region. Surprisingly, even before the end of the Committee's mission and without further consultations, some leaders who feared that President Kabila was about to fall decided to intervene militarily in the DRC. This intervention by Zimbabwe, Angola, Namibia and later, Tchad was most inappropriate because it works to distort the interests of the nationals of the DRC who end up getting completely marginalised. It distorts the understanding of the issues at hand.

Angola's strategic interests in the DRC are understandable. It is a neighbouring country to DRC and Savimbi's UNITA can only be checked by ensuring an ally in Western Congo. Perhaps, Angola prematurely determined that collaboration with the Congolese rebels was not going to be certain.

However, the involvement of Zimbabwe and Namibia, which do not share a border with DRC, is incomprehensible. They cannot be playing the role of regional peace-makers because then they would be on the side of the majority Congolese who are fighting for their human rights. Moreover, now that the allies have saved President Kabila from collapsing, the logical thing to do would be to urge President Kabila to enter into internal dialogue with the opposition groups in DRC.

The dimension that is increasingly becoming apparent, though, is the commercial interest of the rich picking to be derived from the mineral riches of the DRC. The DRC Government Mining Company, GECOMIN, is said to have almost been ceded to Zimbabwe. About 80% of MIMBA (diamond Co.) is said to have passed on to Zimbabwe. Zimbabwe Defence Industries (ZDI) is said to be enjoying monopoly power as the supplier of DRC military and other requirements. It is, therefore, not surprising that hardline positions against dialogue are being taken at the expense of justice in the DRC.

REGIONAL EFFORTS

Since the eruption of the rebellion in the DRC, there have been concerted regional efforts to try and resolve the crisis. In addition to constant consultations, regional Summits on DRC have been held in

Victoria Falls, Port Louis, Durban, Pretoria and Nairobi. The crisis in DRC featured prominently at the recent (27-28 Nov. 98) Africa-France Summit in Paris. Ministerial meetings have also been held in Addis Ababa and Lusaka. Uganda has been a keen participant at all the meetings on the DRC crisis.

The majority in the region are desirous of a peaceful solution to the crisis. Already there is some movement on the need for an immediate ceasefire and troop standstill followed by the putting in place of a neutral multi-national peace-keeping force and the withdrawal of foreign troops as well as the enhancement of the process of dialogue between the Congolese internal forces. Regarding the legitimate concerns of neighbouring countries, there is acknowledgement that these be addressed by putting in place the necessary measures.

The second Victoria Falls Summit held in September 1998, under the Chairmanship of H.E. President Chiluba of Zambia was significant because it resulted into agreement on the desirability of a ceasefire and introduced the concept of proximity talks with the rebels. There was further progress in Lusaka during the Ministerial meeting in October 1998 when the Draft Ceasefire Agreement was adopted in principle and the concept of proximity talks with the rebels operationalized. At the Africa-France Summit in Paris, the UN Secretary General announced that the DRC and the other concerned regional countries had committed themselves to a ceasefire and to enter into a Ceasefire Agreement within the shortest period possible.

The major obstacle, however, remains that President Kabila still refuses to recognize that he has an internal problem and to enter into direct negotiations with the rebels. His backers have not been encouraging him to do so either.

It will be a myth to expect the ceasefire agreement to hold without the input and cooperation of the rebels. If there is to be a ceasefire, the Congolese rebels must be involved in the arrangements because they are the ones primarily involved in the conflict. Consequently, direct negotiations between the DRC government and the Congolese rebels

is necessary. The compromise concept of proximity talks may work to delay the process. Moreover, what will happen when it comes to discussing the substantive issues during the inevitable political dialogue? This is a fundamental matter which the DRC government must acknowledge.

CONCLUSION

As modalities and mechanisms for an immediate ceasefire in the DRC are being worked out by the region, the fundamental issue in the crisis in the DRC is the urgent need for internal dialogue between all Congolese parties.

It is through dialogue that all issues of concern to the Congolese parties will be mutually addressed and resolved. To this effect, DRC must accept the fact that there is internal resentment in the country and therefore enter into direct negotiations with all the opposition groups.

Security concerns of neighbouring countries are legitimate. Measures must be put in place to ensure that no security threats emanate from the DRC territory.

The international community must take responsibility to ensure that another genocide does not take place in the Great Lakes region.

Efforts to find settlement to the current crisis in the DRC should be geared towards a comprehensive and permanent solution. We should not lose track. We should address the issues before us and bring lasting peace to the Great Lakes region so that our energies are devoted to the much needed area of development concerns.

On its part, Uganda's immediate interests have always been and still are based on:

- The need to ensure total security in all parts of Uganda as well as the protection of lives and property of the people of Uganda.

- The desire to ensure maximum stability in the Great Lakes region because instability in any neighbouring country directly impinges on our own security and economic resources. Moreover, we believe in the benefits that accrue from regional economic cooperation and integration.

These interests are legitimate and permanent. Our position on the crisis in the DRC therefore reflects our efforts to pursue those interests.

In doing so, Uganda is committed to the principle of non-interference and good neighbourliness in accordance with the UN and OAU Charters. In its broader context, the principle guides our relations with all neighbouring countries, including the DRC.

APPENDIX.

Photographs of victims of LRA and ADF rebels.

- I, ii, and iii are photographs of Kony's LRA atrocities (cutting off of lips and limbs) in Northern Uganda.
- iv, v, vi, vii and viii are photographs of ADF atrocities in Western Uganda

MINISTRY OF FOREIGN AFFAIRS
KAMPALA, UGANDA
KAMPALA

NOVEMBER 1998

S

UNITED
NATIONS**Security Council**Distr.
GENERALS/1998/1180
16 December 1998

ORIGINAL: ENGLISH

LETTER DATED 15 DECEMBER 1998 FROM THE PERMANENT REPRESENTATIVE
OF UGANDA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

On instructions from my Government, I have the honour to reply to the memorandum of the Democratic Republic of the Congo, circulated as document S/1998/1146, and to request that this reply be circulated as a document of the Security Council.

(Signed) Prof. SEMAKULA KIWANUKA Ph.D.
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Uganda
to the United Nations

Annex

Letter from the Permanent Representative of Uganda replying to
the memorandum dated 2 December 1998 from the Government of the
Democratic Republic of the Congo

The Government of Uganda categorically refutes the baseless allegations, made in the above-mentioned memorandum, that Uganda has committed crimes against humanity and engaged in human rights violations in the Democratic Republic of the Congo. Below we shall give a gruesome picture of the situation in the Democratic Republic of the Congo based on investigations by international agencies. We shall show that it is the authorities in that country who have committed grave human rights violations against their own people.

Today it is internationally acknowledged by Amnesty International, Human Rights Watch and many other international rights and humanitarian agencies that, since coming to power, the Kabila regime has been responsible for gross human rights abuses in the Democratic Republic of the Congo. In order to hide these gross violations, the authorities in the Democratic Republic of the Congo are looking for scapegoats. The fact of the matter is that the conflict in the Democratic Republic of the Congo is an internal crisis that has spun out of control because of the absence of an effective democratic government at the centre.

The conflict began in the towns of Goma and Bukavu in August 1998. Since then, Democratic Republic of the Congo government forces are reported by Amnesty International to have made arbitrary and unlawful arrests and killed hundreds of Congolese because of their ethnic origins. Government officials as well as the media have repeatedly incited the populace to attack the Tutsi. For example, on 8 August 1998, radio broadcasts incited listeners to jump on the people with long noses.

At the ministerial meeting on the conflict in the Democratic Republic of the Congo held in Lusaka on 26 and 27 October 1998, Amama Mbabazi, Minister of State for Foreign Affairs (regional cooperation) made the following statement, whose content the authorities in the Democratic Republic of the Congo have never refuted because they are so true:

"The internal issues in the Democratic Republic of the Congo are as follows - tendencies towards genocide, our troops in eastern Congo have come across many massacres committed before our arrival and there were

threats of more had we not arrived. Furthermore, there is evidence of extrajudicial massacres in the Democratic Republic of the Congo. This evidence exists in Kisangani, Bunia and Moba. In Isiro, machetes were distributed in preparation for a possible genocide publicized by the Kabila Government officials on radio and television. This was done by those in authority before the Rassemblement congolais pour la démocratie rebels captured Isiro."

The leaders of the present regime promised to uphold human rights when they came to power, but their record has been lamentable. Unarmed civilian opponents, journalists, as well as human rights activists, have been detained, tortured and government forces have repeatedly engaged in extrajudicial executions. Here below is another damning catalogue of gross violations confirmed by international human rights and humanitarian agencies. What we know for a fact is that Kabila has failed to abide by the binding norms of international humanitarian law applicable to current situations of armed conflict. In particular, the Democratic Republic of the Congo has refused to prohibit the targeting of civilians and civilian objects in military operations. The record of indiscriminate attacks is endless.

Furthermore, the authorities in the Democratic Republic of the Congo have not only failed to, but have resisted:

- Ensuring humane treatment for all persons detained in connection with the conflict;
- Permitting and facilitating access by relief assistance programmes so that non-combatants in war-affected areas may receive food, medicine and other relief, and providing safe land, river and air access for the provision of humanitarian aid;
- Permitting international and humanitarian agencies to visit persons detained in connection with the conflict;
- Prohibiting the recruitment and use of child soldiers and facilitating the demobilization, rehabilitation and return to society of such children;
- Investigating the violation of international humanitarian law by members of the Allied Democratic Forces for the Liberation of the Congo and holding them accountable for such abuses in procedures that meet the minimum standards of due process established in international

humanitarian law.

In view of the above record, it is an unacceptable distortion of the truth for the authorities in the Democratic Republic of the Congo to accuse Uganda of human rights violations against the Congolese. What we can conclude from this evidence is that the current conflict is the climax of massive human rights abuses and it has rightly been described by Amnesty International as a brutal reminder that stability and prosperity cannot be built on violations of human rights. It is these gross abuses of power that are fuelling the crisis. It is of course convenient for the authorities in the Democratic Republic of the Congo to blame their neighbours, but that will not make the internal crisis go away.

An examination of the politics clearly exposes the bankruptcy of the allegations. What the world has seen is an appalling and disastrous political record. A record of political nepotism and exclusion. Numerous democratic opposition groups, which for years had battled against Mobutu's dictatorship, were excluded from power. Prominent among these is Etienne Tshise Ked, who was sent into internal exile. Criticism of the regime often resulted in imprisonment. Those who are lucky escaped by being removed from their jobs. What we see in the Democratic Republic of the Congo are the appalling results of the absence of a credible open political system. Arbitrary rule, tribalism and nepotism have eroded the confidence of those Congolese who had fought and hoped that the fall of Mobutu would usher in democratic governance.

It is not Uganda that is responsible for the woes of the Democratic Republic of the Congo. It is the failed State at the centre whose connivance with and support of rebel groups based on its soil has forced its neighbours to defend themselves.

For example, Uganda has, for a very long time, been concerned by the Sudan-backed rebels who operate from the Democratic Republic of the Congo. These groups include the Allied Democratic Forces (ADF), the West Nile Bank as well as the Uganda National Rescue Front II. All these have secure bases in the Democratic Republic of the Congo from which they periodically invade Uganda and commit atrocities.

As a matter of fact, it is Uganda that has a serious case to make against the Democratic Republic of the Congo because of its connivance with the rebel movements based on its territory who have been responsible for crimes against humanity committed against Ugandans. Below are some of the details. Colonel Ebemba, Mobutu's Commander, who planned and led ADF to attack Uganda on 13 November 1996, was redeployed in the eastern Province of the Democratic

Republic of the Congo, where ADF was operating from, by the Kabila regime. This meant that Ebemba would continue to facilitate ADF activities just as he used to do during the Mobutu days. He was transferred after Uganda bitterly protested.

Since 1996, ADF, from bases in the Democratic Republic of the Congo, has raided Uganda and killed many people, injured others and destroyed property. From November 1996, when ADF started its activities, until 24 November 1998, about 552 people have been killed, over 256 injured, 904 abducted and about 35,000 internally displaced. However, most of the abductees have been rescued.

The most gruesome attack was the Kichwamba Technical College massacre of 8 June 1998 in western Uganda, in which over 80 students were burned to death and 100 abducted. The most prominent ADF attacks are the following:

Date	District	Place	People killed	People injured	Abducted
13 November 1996	Kasese	Mpondwe	20	-	400
30 April 1997	Kasese	Kasese	50	-	-
23 July 1997	Bundibugyo	Ntoroko	28	12	14
August 1997	Kabarole	Karambi	35	14	7
14 September 1997	Bundibugyo	Nyakahuka Refugee Camp	30	-	-
8 June 1998	Kasese	Kichwamba Technical College	Over 80	Several	100
1 August 1998	Kasese	Kasese Town	8	6	-

Conclusion

Uganda is not responsible for human rights abuses in the Democratic Republic of the Congo. Uganda has committed no atrocities. On the contrary, Uganda is keen to see peace restored in the Democratic Republic of the Congo because the unstable situation there has created a colossal humanitarian problem and the destabilization of its neighbours. But, at the same time, we categorically state that, as the modalities and mechanisms for an immediate ceasefire in the Democratic Republic of the Congo are being worked out by the region, the fundamental issue of the crisis is the urgent need for internal dialogue between all Congolese parties. Much as the Democratic Republic of the Congo may wish to divert attention, we categorically say that it is through dialogue that all issues of concern to the Congolese parties will be mutually addressed and resolved. To this effect, the Democratic Republic of the Congo must accept the fact that there is internal resentment in the country and therefore the authorities should enter into direct negotiations with all the opposition groups. It is equally important to recognize that the security concerns of neighbouring countries are legitimate. Measures must be put in place to ensure that no security threats against its neighbours emanate from the territory of the Democratic Republic of the Congo.

For its part, Uganda's immediate interests have always been and still are based on:

- The need to ensure total security in all parts of Uganda as well as the protection of lives and property of the people of Uganda;
- The desire to ensure maximum stability in the Great Lakes region since instability in any neighbouring country directly impinges on our own security and economic resources. Moreover, we believe in the benefits that accrue from regional economic cooperation and integration.

These interests are legitimate and permanent. Our position on the crisis in the Democratic Republic of the Congo therefore reflects our efforts to pursue those interests.

In doing so, Uganda is committed to the principle of non-interference and good neighbourliness in accordance with the Charter of the United Nations and the Organization of African Unity. In its broader context, this principle guides our relations with all neighbouring countries, including the Democratic Republic of the Congo.

Telegrams EXTERIOR, KAMPALA
 Telephone: 257525/258251
 Telex: 61007. ADMINISTER
 Fax: 258722/232874



THE REPUBLIC OF UGANDA

Ministry of Foreign Affairs,
 P.O. Box 7048,
 Kampala,
 Uganda.

In any correspondence on
 this subject please quote No. XC/A/11504/12

The Ministry of Foreign Affairs of the Republic of Uganda presents its compliments to the Ministry of Foreign Affairs of the Democratic Republic of Congo and has the honour to communicate and protest as follows:

1. In September 1998, Military Personnel of the Democratic Republic of Congo forced their way into Uganda Embassy Official Residence located at 12 Avenue de'Ouganda, Zone de la Gombre in Kinshasa, and took away properties, including the following:
 - (a) The Embassy Representational car (Mercedes Benz Model E 240, 1998 Year of Manufacture); Registration No. 042 cmd 01.
 - (b) The Embassy Utility Car (Mercedes Benz Model 200); Registration No. 042 CD 07.
 - (c) The Ambassador's Personal car (Nissan Model 1997); and Registration No. KN 2408 BC
 - (d) A Personal Car belonging to a member of Uganda Embassy diplomatic staff (Mazda). Registration No. 042 CD 02.

2. On 23rd November 1998, the Military personnel of the Democratic Republic of Congo again forced their way into Uganda Embassy Official Residence and the Chancery, in Kinshasa, and took away other properties, including the following:
 - (a) Embassy Furniture, household and personal effects of the Ambassador and other Ugandan diplomatic staff;
 - (b) Embassy Office equipment and other utility materials, including Uganda flags;

(c) Four other separate Vehicles(Mercedes Benz Car, Nissan car, Mazda Car and a Ford Car) belonging to Ugandan nationals and under the protection of the Embassy on diplomatic premises.

3. The violations did not stop at that. The Congolese Military Personnel have since chased away the Caretakers and occupied the Embassy Official Residence and Chancery.
4. The Ministry protests in the strongest terms possible the above actions which are in contravention of International Law and the Vienna Conventions on the inviolability of diplomatic premises.
5. The government of the Democratic Republic of Congo need not be reminded of its obligations under international law and the relevant provisions in the Vienna Conventions regarding the Sanctity of diplomatic premises, property and personnel. On its part and despite the current relations between the two countries, Uganda government has held onto its obligations under international law and has not interfered with the Embassy of the Democratic Republic of Congo in Kampala. Uganda government expects this gesture to be reciprocated by the government of the Democratic Republic of Congo.
6. Therefore the government of the Republic of Uganda holds the government of the Democratic Republic of Congo responsible for the violations meted on its diplomatic premises and properties in Kinshasa and demands as follows:
 - (a) The immediate return of all properties taken away from the Embassy Official Resistance and Chancery;
 - (b) The immediate vacation of the two premises by the Military Personnel of the Democratic Republic of Congo.
 - (c) Allowing the Caretakers back to look after the premises and the properties therein, according to the instructions given to them;
 - (d) The government of the Democratic Republic of Congo is under obligation, under International Law and the Vienna Convention to protect the two premises from any further intrusions.

By copy of this Note, the Secretary General of the United Nations and the Secretary General of the organization of African Unity are accordingly informed and requested to urge the government of the Democratic Republic of Congo to live up to its obligations under International Law and in accordance with the tenets of the Vienna Conventions. The Secretaries General are also requested to circulate this Note to all the respective Member States.

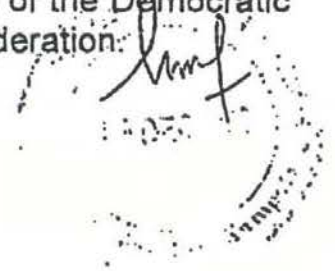
The Ministry of Foreign Affairs of the Republic of Uganda avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Democratic Republic of Congo the assurances of its highest consideration.

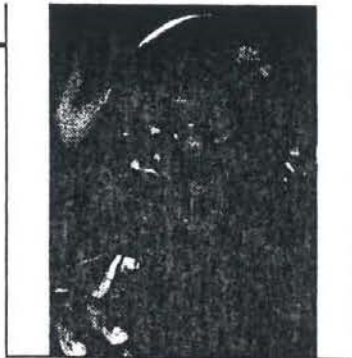
KAMPALA: 18TH DECEMBER 1998.

The Ministry of Foreign Affairs,
The Democratic Republic of Congo,
Kinshasa

c.c. The Secretary General
United Nations,
New York.

c.c. The Secretary General
Organisation of African Unity,
Addis Ababa





Jean-Claude Willame

L'ODYSSÉE

Trajectoire pour un Congo nouveau ?

KABILA

KARTHALA

Jean-Claude Willame est professeur à l'Université Catholique de Louvain et chercheur à l'Institut Africain-Cedaf (Bruxelles). Consultant occasionnel auprès de diverses organisations internationales dans le cadre de la prévention des conflits, il a publié de nombreux ouvrages et articles sur l'Afrique Centrale.

Jean-Claude Willame
"

L'odyssée Kabila

Trajectoire pour un Congo nouveau ?

KARTHALA sur internet : <http://www.karthala.com>

Couverture : Laurent-Désiré Kabila,
Président de la République démocratique du Congo,
Ouagadougou (Burkina Faso), le 16 décembre 1998
Photo AFP/Issouf Sanogo/IS-GL

© Éditions KARTHALA, 1999
ISBN 2-86537-926-4

Édition KARTHALA
22-24, boulevard Arago
75013 PARIS

venance de Butembo, le commandant local, le rwando-ougandais Aboubakar, qui s'était illustré dans les massacres de février (voir supra), n'a pas réagi à la rébellion et la population a continué « à vaquer à ses occupations ». Par contre à Beni, où les « rebelles » avaient rencontré quelque résistance, « les forces régulières composées principalement de la Police d'intervention rapide (PIR) ont vite été convaincues de l'inanité (de se battre). Surtout qu'une rumeur persistante faisait état de l'entrée en lice de colonnes blindées en provenance d'Ouganda »²⁸.

Très vite survient un événement qui montre si besoin en est qu'un « plan » a été mûri avec l'aide de Kigali : dès le 4 août, un pont aérien de fortune a été établi entre Goma, Kigali et la base militaire de Kitona dans le Bas-Congo. Un véritable corps expéditionnaire de quelques milliers de soldats est ainsi transporté à plus de 1 500 km de ses bases arrières. Sur base du témoignage du pilote nigérian d'un appareil privé qui a été « réquisitionné » par les rebelles, voici comment le correspondant de *Libération* peut résumer ce « coup » particulièrement audacieux.

« Le mardi 4 août, le « commandant James » embarque avec environ quatre cents soldats tutsi dans trois avions civils, confisqués sur l'aéroport de Goma (...). L'un des appareils de la compagnie privée Air Atlantic est piloté par un commandant nigérian, Raymond Gngang. Selon son témoignage, les avions se rendent d'abord à Kigali (...) pour faire le plein de kérosène et « pour charger des caisses de munitions ». Ensuite, ils redécollent pour Kitona, la grande base militaire à côté de Moanda, à l'embouchure du fleuve Congo. Sur cette base, depuis quinze mois, des milliers de soldats de l'ancienne armée de Mobutu subissent un « stage de rééducation ». Au départ, il y étaient 40 000, encadrés par des instructeurs tutsi. Mais, mal nourris et plus ou moins oubliés, il n'en reste plus que 12 000, le reste s'étant égaillé en jetant l'uniforme. Le « commandant James » compte rallier ces mécontents. Cependant, en se posant à Kitona, ses avions essuient des tirs²⁹. C'est seulement en s'imposant par la prise de l'aérodrome que les forces tutsi vont faire changer d'avis les anciens de Mobutu. Qui retrouvent leurs réflexes en

28. REC-info n° 8/98, p. 6.

29. Un témoin a vu ces avions à leur retour à Goma et nous a déclaré qu'ils n'étaient plus utilisables. Communication personnelle.

demandant un « délai de réflexion » et en ouvrant des négociations sur leur rémunération, équipement, « statut » dans le futur régime...

James Kabare fait la part du feu. Il abandonne la ville de Moanda, désertée par les gouvernementaux, au pillage des anciens soldats de Mobutu. Entre-temps, pour sécuriser ses arrières, il met en place un pont aérien avec Goma et Kigali. Une noria d'appareils hétéroclites, du moyen porteur au Fokker, feront venir des hommes, des armes et des munitions. Petite erreur : on laisse repartir le pilote nigérian sans canon de fusil sur la tempe³⁰. N'étant pas spécialement attiré par Kigali, la destination qu'on lui a enjointe, Raymond Gngang se pose à Lagos, chez lui, au Nigeria. Ayant pris contact avec Air Atlantic, il rapatrie son Boeing 707 à Kinshasa et raconte ses mésaventures à la radio nationale. Autre pépin : un avion est accidenté, un autre tombe en panne. Mais le « commandant James » tient bon. Largué avec ses hommes au coeur du territoire ennemi, à environ 600 km au sud-ouest de la capitale, il commence sa progression. Après avoir nettoyé dans son dos la façade maritime de l'ex-Zaïre, autour du port de Banana, ses forces se dirigent vers Boma, à une centaine de kilomètres sur la route de Kinshasa. Mardi, une semaine après le débarquement, Boma tombe sans résistance. La gendarmerie d'intervention, corps d'élite envoyé par Kabila, a décroché après un pillage en règle de toutes les maisons. Chargés de réfrigérateurs, de meubles et de grappes de soldats, ses véhicules raclent le macadam en rebroussant chemin »³¹.

Ce récit met en lumière un fait qui mérite d'être mis en exergue, surtout à la lumière de certaines interprétations qui ont voulu faire accroire à une guerre menée de bout en bout par les seuls « Banyamulenge » congolais et des « Rwandais ». Ce seraient surtout des mutins congolais, basés en grand nombre à Kitona et encadrés d'une poignée de Tutsi congolais et/ou rwandais, qui ont été le fer de lance de toute l'offensive sur Kinshasa. A ce stade, la rapidité et l'efficacité dans le montage de l'intervention, l'effet de surprise qu'elle a pu créer à Kinshasa démontre l'échec de L. D. Kabila en tant que « chef de guerre » : même s'il n'a pas pu béné-

30. Comme ce sera le cas pour un autre pilote, belge celui-là. Communication personnelle.

31. *Libération*, Paris, 22-23 août 1998.

COMMUNIQUE
OF THE
REGIONAL MEETING OF MINISTERS OF FOREIGN AFFAIRS AND
DEFENCE ON THE SITUATION IN THE DEMOCRATIC REPUBLIC OF
CONGO HELD IN LUSAKA, ZAMBIA FROM 14TH TO 16TH
JANUARY, 1999

At the invitation of Mr. Frederick J.T. Chiluba, President of the Republic of Zambia, the Regional Meeting of Ministers of Foreign Affairs and Defence on the situation in the Democratic Republic of Congo was held in Lusaka, Zambia from 14th to 16th January, 1999.

2. The meeting was attended by Angola, Botswana, Burundi, Chad, the Democratic Republic of Congo, Kenya, Libya, Mozambique, Namibia, Rwanda, South Africa, Tanzania, Uganda and Zimbabwe. Also in attendance were the Secretary-General of the OAU, the Executive Secretary of SADC and Representative of the UN Secretary-General.

3. Prior to the meeting, the Ministers were received in audience by President Chiluba.

4. The meeting was officially opened by Hon. Eric S. Silwamba, M.P., Minister for Presidential Affairs and Chairman of the meeting.

5. The meeting reviewed the current status of the peace process in the Democratic Republic of Congo, since the Lusaka and Gaborone meetings.

6. After extensive deliberations, the meeting agreed on the mechanisms for moving the peace process forward. To this end, the meeting established the following Working Groups:

- A. Committee on Security Concerns in the DRC and neighbouring countries comprising:

Zambia
Kenya
Botswana

Mauritius
UN
OAU
SADC

B. Committee on the Implementation of the Ceasefire Agreement comprising:

Zambia - Chairman
All belligerents
UN
OAU
SADC

7. The Committees are to begin work immediately and submit reports to the next regional Ministerial meeting which should be convened as soon as possible.

8. The Ministers expressed their appreciation to the Government and people of Zambia for the hospitality accorded to them during their stay in Zambia.

Done at Lusaka, Zambia, 16th January, 1999

**PRESS RELEASE
ON
SUMMIT OF REGIONAL LEADERS
ON THE SITUATION
IN THE DEMOCRATIC REPUBLIC OF THE CONGO
HELD IN WINDHOEK, NAMIBIA,
ON 18 JANUARY 1999**

At the invitation of His Excellency Dr Sam Nujoma, President of the Republic of Namibia, a Summit of Regional Leaders was held in Windhoek, Namibia, on 18 January 1999. The Summit, which was held in a cordial and constructive spirit, came at the request by His Excellency Mr Yoweri Museveni, President of the Republic of Uganda

President Nujoma officially opened the Summit. In his welcoming statement, President Nujoma extended warm greetings to all the delegations. He expressed the hope that the Windhoek Summit would contribute significantly to a speedy signing of the Ceasefire Agreement on the DRC.

The Summit reviewed the current status of the ongoing peace process in the Democratic Republic of the Congo in the light of the Summit of Regional Leaders, which was scheduled to take place in Lusaka but was postponed to a later date to allow for further consultations.

The Summit expressed satisfaction that significant progress has been made towards achieving greater mutual understanding between the core group of countries involved in the conflict in the DRC, which should contribute significantly towards a speedy signing of a Ceasefire Agreement.

The Summit was attended by the following Heads of State: His Excellency, Dr. Robert Mugabe, President of the Republic of Zimbabwe; His Excellency, Mr. Yoweri Museveni, President of the Republic of Uganda; His Excellency, Mr. Pasteur Bizimungu, President of the Republic of Rwanda; and His Excellency, Dr. Sam Nujoma, President of the Republic of Namibia. The delegation of the Republic of Angola was led by Honourable Pedro Sebastiao, Minister of National Defence. Also in attendance was Dr. Kaire Mbuende, the Executive Secretary of SADC.

The visiting delegations expressed their appreciation to President Nujoma, the Government and people of the Republic of Namibia for the warm welcome and generous hospitality extended to them during their stay in Windhoek.

**WINDHOEK
18 JANUARY 1999.**

HUMAN RIGHTS WATCH

A HUMAN RIGHTS WATCH REPORT; COPYRIGHT ©1999 HUMAN RIGHTS WATCH; ISSN: 1079-2325

February 1999

Vol. 11, No. 01(A)

DEMOCRATIC REPUBLIC OF CONGO

CASUALTIES OF WAR Civilians, Rule of Law, and Democratic Freedoms

I. INTRODUCTION	2
II. RECOMMENDATIONS	4
To the Forces in Western Congo:	4
To the Forces in Eastern Congo:	5
To the International Community:	6
III. HUMAN RIGHTS ABUSES IN WESTERN CONGO	8
Arbitrary Arrest, Illegal Detentions, and the Military Court	8
Ethnic Persecution	10
Violations Committed in Areas of Combat	14
Recruitment of Child Soldiers	17
The Democratization Process and Civil Society	17
IV. EASTERN CONGO: FINDINGS	19
Extrajudicial Executions and Indiscriminate Attacks Against Civilians	21
Arbitrary Arrests, Illegal Detentions, and "Disappearances"	24
Harassment of Human Rights Defenders	26
Abuses Against Women	27
Recruitment of Child Soldiers	28
V. INTERNATIONAL RESPONSE	28
The Southern Africa Development Community, the Organization of African Unity, the European Union, and the United Nations	28
The European Union	29
The United States	30



350 FIFTH AVENUE, 34TH FLOOR
NEW YORK, NY 10118-3299
TEL (212) 290-4700
FAX (212) 736-1300
E-MAIL: hrwnyc@hrw.org

1522 K STREET, NW, #910
WASHINGTON, DC 20005-1202
TEL (202) 371-6592
FAX (202) 371-0124
E-MAIL: hrwdc@hrw.org

33 ISLINGTON HIGH STREET
LONDON N1 9LH UK
TEL (44171) 713-1995
FAX (44171) 713-1800
E-MAIL: hrwatchuk@gn.apc.org

15 RUE VAN CAMPENHOUT
1000 BRUSSELS, BELGIUM
TEL (322) 732-2009
FAX (322) 732-0471
E-MAIL: hrwatcheu@gn.apc.org

WEB SITE: <http://www.hrw.org>

LISTSERV ADDRESS: To subscribe to the list, send an e-mail message to majordomo@igc.apc.org with "subscribe hrw-news" in the body of the message (leave subject line blank).

I. INTRODUCTION

As the war that broke out in August 1998 in Congo continued into its seventh month, the central African region slipped further into the cycle of human rights abuses and impunity. The Congolese government has violated the rights of its citizens through incitement to ethnic hatred, resulting in hundreds of deaths, the internment of Tutsis; through arrest and trial procedures that violate due process; and by suppressing political life through censorship, arbitrary arrests, and bans on the exercise of freedoms of association and assembly. The rebel Congolese Rally for Democracy (Rassemblement Congolais pour la Démocratie, RCD), whose forces operate in conjunction with the Rwandan and Ugandan militaries, have committed war crimes by killing civilians in massacres, have caused people to "disappear," and have carried out arbitrary arrests without regard to due process. International inertia in the face of these violations, as in the face of massacres of the 1996-97 war in Congo, encourages political leaders and militia henchmen alike to believe that they can commit abuses without serious consequence.

In late July 1998, Congolese President Laurent Kabila sent home all Rwandan soldiers, thus officially breaking ties with the allies who, together with Ugandan forces, had helped sweep him into power fourteen months before. Rwanda and Uganda responded by invading Congo and joining forces with troops from the Congolese army (Forces Armées Congolaises, FAC) that had mutinied against the government in Goma and Bukavu. The RCD, composed of former Tutsi members of Kabila's government, former Mobutists, a number of intellectuals, and others, soon emerged as the political leadership of this coalition. The conflict in Congo grew during August and September, eventually drawing in other states from the region, including Angola, Zimbabwe, Namibia, and Chad on the government side, and with Burundi apparently joining the Rwandans and Ugandans to support the RCD and the FAC defectors. Rwanda and Uganda claimed they had sent forces across the border to protect themselves against various armed groups which had been attacking them from bases in the eastern Congo, operating without hindrance from the Congolese government. Burundi continued to deny its involvement in the conflict despite regular sightings of their troops in South Kivu. The RCD proclaimed its goal to be the ouster of Kabila, while his backers stated they were protecting a legitimate government from foreign aggression. Outside observers suspected that the prospect of exploiting Congo's vast mineral wealth had attracted many of the warring parties. A number of other militia and rebel groups from the region joined the fray, while alliances between them and the warring parties were often unclear. Human Rights Watch takes no position on the merits of conflicts between states, but examines the conduct of all parties during the course of a conflict, focusing on whether violations of international humanitarian law have been committed.

In their efforts to maintain or to seize power, both sides to the conflict in Congo have failed to protect civilians from abuse and have at times committed gross violations against them. When the Congolese government was attacked in August, some important officials fostered popular hatred and fear of Congolese of Tutsi origin, whom they linked with Rwandans, Burundians, and even Ugandans said to constitute part of a larger Tutsi-Hima cluster of peoples. In calling for so-called "popular self-defense," they encouraged other Congolese to attack Tutsi or those thought to look like Tutsi. As of mid-January, hundreds of Tutsi in detention or interned in government-held territory because of their ethnicity represented vulnerable targets for any future reprisals by government forces or by civilian crowds incited to attack them. The Kabila government chose to intern the Tutsi, claiming this was necessary for their protection, rather than taking other necessary measures to ensure their safety.

Kabila continued to proclaim his commitment to democratization, including to hold elections in April 1999, but in the meantime his government proclaimed a state of emergency ("Etat de siège", state of siege) throughout most of the country which placed sweeping powers over justice and the civilian administration in the hands of the military. A military court, which superseded civilian courts, conducted trials without due process guarantees and imposed death sentences on political suspects and criminals, some of whom were executed immediately, without the possibility of appeal. Despite a January 29 decree law that called for a return to multi-party politics, excessive registration

requirements for political parties effectively excluded many of them from participation in the political process. Arrests of civilians and leading politicians increased in early in 1999.

As the conflict continued, the situation in eastern Congo became particularly explosive. Forces backing the RCD committed numerous killings of civilians from almost all different ethnic groups in the east, creating a resentment of the RCD, its military backers, and ethnic Tutsi in general. Killings of villagers were often in retaliation for their supposed support of local militia known as "Mai-Mai," or former Rwandan soldiers or militia, known as "Interahamwe." Soldiers acting for the RCD movement arbitrarily detained many of its supposed opponents, often holding them in irregular facilities to which their families and humanitarian agencies had no access. Once arrested, some individuals were not seen again.

The term "Mai-Mai" has been used to describe indigenous militia involved in a number of uprisings in the Great Lakes Region since the colonial era. Mai-Mai fighters often undergo traditional initiation rites which are intended to make them invulnerable to bullets and other weapons of their enemies. Today, the term "Mai-Mai" is used to refer to many of the groups of indigenous militia of different ethnic origins in eastern Congo opposed to the RCD and its allies. It appears that these groups are not well-organized and economic hardship may have encouraged many young men to join. Some of the Congolese Armed Forces (FAC) in the east who did not join RCD forces and former members of the Zairian Armed Forces (ex-FAZ) also reportedly joined forces with groups of Mai-Mai.

The Interahamwe militia were organized by former Rwandan President Juvenal Habyarimana's political party. During the genocide in Rwanda, the militia were transformed into bands of killers. Since the flight of many Interahamwe to eastern Congo following the genocide, Congolese increasingly referred to any ethnic Hutu combatant in Congo as Interahamwe, including Hutu who have lived in Congo for generations. Many residents of eastern Congo claimed that the Interahamwe had formed an alliance with the Mai-Mai in their fight against the RCD, Rwandan, Ugandan and Burundian militaries, confounding the exact identification of militia.

Both sides to the conflict have made statements pledging to guarantee human rights in territory under their control while carrying out limited measures to protect some populations. In addition to public declarations regarding their adherence to the human rights standards established by the major international treaties, the RCD established a human rights branch within its Department of Justice and Human Rights. While the department carried out a number of investigations of human rights violations allegedly committed by Kabila's forces—and televised ceremonies related to them—their pledges to investigate abuses committed by their own troops, such as in the Kasika area of South Kivu, did not materialize. In early January 1999, the Congolese government, after blocking a United Nations investigation throughout much of 1997 and 1998, invited the U.N. special rapporteur on the human rights situation in Congo to investigate massacres of Hutu refugees, allegedly carried out by Rwandan forces, and other human rights violations. It remained to be seen, however, if these declarations by both sides would translate into serious investigations and prosecutions of their own agents who were responsible for abuses.

The international community, led by the O.A.U. and the Southern Africa Development Community (SADC), organized a series of efforts to negotiate a solution to the conflict, thus far without success. Discussions of human rights issues or calls for accountability for those responsible for abuses committed during the conflict were notably missing from the negotiations. While precise and vigorous public calls from donor states and others to respect human rights during the conflict had given at least limited results, such as an apparent end to large-scale killings of Tutsis in August, the international community largely confined its intervention to assessment missions, quiet diplomacy, and vague condemnations of abuses on all sides without stressing the need to hold perpetrators accountable for abuses. The Congolese government reportedly participated in the recruitment of combatants from refugee camps in neighboring countries, including some that provided refuge to members of the former army of Rwanda (ex-FAR) and the Interahamwe militia which fled into exile after perpetrating the Rwandan genocide of 1994. Some of those recruited from these camps, reportedly sent to the front lines in Congo, may have participated in the genocide.

With the disintegration of the rule of law in Congo and elsewhere in the region, Congo has become the battle ground for the interests of its neighbors and a Congolese political and military elite—all at the expense of Congolese civilians. In this context, neither the Congolese government and its allies, the RCD and its backers, nor the myriad of militia and rebel groups in Congo have made respect for human rights a priority. Without firm action from international players in the region and elsewhere, the results for the Congolese are likely to be more abuses and a further degradation of the situation.

This report is based on Human Rights Watch field investigations in November and December of 1998 to eastern and western Congo as well as other countries in the region. Many of the sources in this report are not named due to the serious danger faced by witnesses and local human rights defenders.

II. RECOMMENDATIONS

To the Forces in Western Congo:

Human Rights Watch calls upon the Congolese government to:

- Instruct all Congolese soldiers to protect the civilian population and uphold international humanitarian law. Investigate accusations of deliberate executions of civilians by Congolese soldiers and prosecute those responsible.
- Investigate and prosecute those within and outside the government responsible for using media to foster hatred and incite to violence. The government must take all necessary measures to ensure the safety of all civilians throughout government-held territory, including those interned or in detention.
- Those arbitrarily arrested solely on ethnic or political grounds should be freed immediately; all detainees should be charged with a recognizable offense or released.
- Guarantee the right to return for all Congolese outside the country. The government should continue to facilitate the safe departure of Tutsi or other civilians wishing to leave the country voluntarily.
- Abolish the special Military Court and establish an independent judiciary that respects due process. Regular military courts should handle the cases of military in detention in accordance with international norms and the Congolese military justice code, including the right to appeal and the right to counsel. The government should guarantee the independence of both the military and the civilian courts and ensure that civilians are not tried before military courts. Civilian and military judges, prosecutors, and other court officials should not be subject to intimidation or harassment related to their duties.
- Desist from the recruitment of child soldiers under the age of eighteen and demobilize those already enlisted.
- Refrain from the recruitment of refugees from camps in neighbouring countries and respect the strictly civilian and humanitarian nature of refugee camps and settlements.
- Screen potential military recruits and exclude any who may have participated in war crimes or crimes against humanity, including the Rwandan genocide. Any against whom evidence of such crimes is found must be prosecuted or delivered to the International Criminal Tribunal for Rwanda (ICTR) at Arusha.

- Guarantee freedom of expression and freedom of association for all Congolese. This includes lifting excessive regulations on political activities and ceasing harassment and intimidation of human rights defenders and journalists.
- Fulfill the government's pledge to allow access and the neutral provision of humanitarian assistance to all populations in need in territory under their control.
- Fulfill its obligation to carry out an impartial investigation into massacres and other crimes against humanity committed during the 1996-1997 war in Congo. The Congolese government should make public its findings and where possible hold perpetrators accountable, including members of the AFDL. The government's decision on January 11 to allow Roberto Garretón, the U.N.'s special rapporteur on the situation of human rights in Congo, to return to the country to investigate both the 1996-97 massacres and the current situation should be given full effect. He should be given full access and cooperation to conduct his independent investigations.
- Allow independent human rights investigators full access to investigate allegations of human rights abuses and violations of international humanitarian law.

Human Rights Watch calls upon the governments of Zimbabwe, Angola, and other countries supporting the government of the Congo to:

- Uphold international humanitarian law, and ensure that any violations are immediately investigated, including killings of noncombatants, rape, looting and destruction of infrastructure essential to public well-being. All military operations, including shelling and aerial bombings, should be carried out in a manner that strictly limits the toll on civilians and civilian structures and is consistent with the laws of war; information necessary to establish that international standards were respected should be made public. Clear and public instructions should be given to troops to prevent abuses.
- Press the Congolese government to improve respect for human rights and democratic principles. This includes protection for all Congolese citizens from summary executions, arbitrary arrest and detention; guaranteeing freedom of expression and association; allowing the political opposition and organizations of civil society to operate without harassment or intimidation; establishing an independent judiciary that respects due process; and instituting an inclusive and transparent transition to democracy.

To the Forces in Eastern Congo:

Human Rights Watch calls on the Congolese Rally for Democracy, the government of Rwanda, the government of Uganda, and the government of Burundi to:

- Put an end to civilian killings in territory under RCD control. The RCD authorities and the Rwandan, Ugandan, and Burundian governments should give clear instructions to their troops to cease civilian killings and to respect international humanitarian law. Those suspected of committing abuses should be arrested, investigated, and punished where appropriate.
- Investigate allegations of gross human rights abuses including large-scale killings, summary executions, rape, and forced "disappearances" of civilians. Given the failure thus far of the RCD to investigate the August massacres in the Kasika area, the RCD must take concrete steps to reinforce the Department of Justice and Human Rights or to create an independent commission of inquiry with the power to carry out investigations and make their findings public. In addition to the Kasika massacres, other killings including those in the Makobola area of South Kivu must also be investigated. The RCD authorities and the governments of Rwanda,

Uganda, and Burundi should instruct their military forces in Congo to cooperate with these and all other investigations and punish perpetrators where appropriate.

- Halt arbitrary arrest, illegal detentions, and forced "disappearances" and eliminate private and illegal detention centers. Detainees should be held under humane conditions in recognized detention centers and provided with adequate food and access to medical care. Ensure that prisoners are held only in publicly recognized places of detention, and that up-to-date registers of all prisoners are maintained in every detention center and centrally. This information should be freely available to relatives, lawyers, and others with a legitimate interest.
- Prisoners of war in custody should be protected in accordance with the Geneva Conventions.
- Stop the recruitment of child soldiers under the age of eighteen. Combatants under the age of eighteen should be demobilized.
- Guarantee freedom of expression and freedom of association in territory under RCD control.
- Ensure that members of organizations of civil society, including human rights defenders, journalists, and others, are free from harassment and intimidation.
- Allow access and the neutral provision of humanitarian assistance to all populations in need in territory under their control. Protect humanitarian assistance from looting or being diverted for military use.
- Allow independent human rights investigators full access to investigate allegations of human rights abuses and violations of international humanitarian law.
- Ensure the protection of and facilitate assistance to residual Rwandan and Burundian refugee populations in eastern Congo whose presence may date from 1994. The RCD authorities and their military allies should work closely with international humanitarian organizations to assure the protection of and assistance to these populations.

To the International Community:

Human Rights Watch calls upon the United Nations (U.N.), Organization of African Unity (O.A.U.), the Southern Africa Development Community (S.A.D.C.) or other parties involved in negotiations on the conflict in Congo to:

- Ensure that peace negotiations between warring parties do not serve as a mechanism of further impunity in the Great Lakes Region. Negotiated solutions must include provisions to hold political leaders and members of the armies and militias in Congo accountable for human rights violations during the conflict.
- Insist that all parties to the conflict instruct their troops to respect international humanitarian law and that they investigate fully all alleged violations. Abuses by foreign militaries participating on both sides should also be investigated. In particular, call upon the RCD to follow through on its pledges to launch investigations of the Kasika and Makobola massacres and punish those responsible. Call upon the Congolese government to cease ongoing abuses against civilians, including increased arbitrary arrests of political opponenets and others, such as the recent round-up of civilians, mostly ethnic Tutsis, from the Bethanie Center in Kinshasa.
- Support the Office of the United Nations High Commissioner for Human Rights Field Office in Congo and increase its monitoring and technical assistance programs. In particular, the U.N. Office should be given the necessary support to place field officers in RCD-held eastern Congo and throughout government territory.

Among other duties, these monitors should have capacity to monitor and tape radio broadcasts for hate speech and incitement to violence.

- The U.N. Security Council should follow through on its July 1998 request that Congo and Rwanda carry out investigations of war crimes and crimes against humanity committed in Congo during the 1996-1997 war and hold perpetrators accountable for human rights violations.

Human Rights Watch calls upon the United Nations High Commissioner for Refugees (UNHCR), host countries and the international community to:

- Take measures to secure the exclusively civilian and humanitarian character of refugee camps, including mechanisms to disarm and separate armed elements from civilian refugees, particularly those who leave camps for military purposes; and to exclude from international refugee protection those suspected of participation in war crimes and crimes against humanity, with a view to investigate and prosecute where appropriate in accordance with international standards.

Human Rights Watch calls upon the United States, the European Union, international financial institutions, and other donors to:

- Make any bilateral or multilateral aid to the central government of Congo contingent upon improved respect for human rights, the rule of law, and democratic principles.
- Vigorously and publicly denounce violations of international human rights and humanitarian law by all sides involved in the conflict. This requires condemnation of specific abuses by all parties to the conflict, not simply general admonishments to respect human rights.
- Urge full investigations into human rights abuses by all parties to the Congo conflict. Foreign militaries participating on both sides should also be investigated. In particular, call upon the RCD to follow through on its pledges to launch investigations of the Kasika and Makobola massacres and punish those responsible. Call upon the Congolese government to cease ongoing abuses against civilians.
- Condition any military training or assistance to any parties to the conflict on adherence to international humanitarian law and an investigation of reported abuses by their troops.
- The U.S. government should comply with Section 570 of the Foreign Operations Authorization Act, known as the Leahy amendment, by ensuring that no U.S. assistance is provided to units of security forces if there is credible evidence that such a unit has committed gross human rights abuses, unless those responsible for abuses have been brought to justice. In general, the U.S. should strengthen its monitoring of militaries that receive U.S. aid.
- Support the Office of the United Nations High Commissioner for Human Rights Field Office in Congo and increase its monitoring and technical assistance programs. In particular, the U.N. Office should be given the necessary support to place field officers in RCD-held eastern Congo and throughout government territory. Among other duties, these monitors should have the capacity to monitor and tape radio broadcasts that propagate hate speech that incites violence.
- Provide moral, financial, and technical support to organizations of civil society. This should focus on humanitarian needs and development projects, as well as human rights and pro-democracy initiatives.
- Urge all parties to the conflict protect organizations of civil society, including human rights defenders, journalists, and others, from harassment and intimidation. In addition to guaranteeing freedom of expression

and freedom of association, the international community should insist that the excessive regulations on political activities be lifted and that representatives of civil society and the political opposition be included in the democratic transition process.

III. HUMAN RIGHTS ABUSES IN WESTERN CONGO

Many chronic human rights problems in Congo have worsened since the beginning of the conflict. Other problems have emerged as a result of abusive military operations by the Congolese Armed Forces (FAC) and its allies. A lack of accountability, fissures within the government and the military, rule by an increasingly isolated group of leaders, and general administrative disorganization have made prospects for the respect of human rights and the rule of law even more distant. In addition to aggravating the human rights situation, these factors have at times hampered efforts by individual members of the government to protect rights.

Arbitrary Arrest, Illegal Detentions, and the Military Court

Civilians and military are frequently subject to arbitrary arrest and prolonged detention without trial in government-controlled areas of Congo. The Military Court, established in 1997, was in the process of expansion at the end of 1998 with the addition of new chambers at Lubumbashi, Kananga, Mbuji-Mayi, Kamina, Matadi, Likasi, and the establishment of roving courts.¹ The jurisdiction of the Military Court was further expanded on January 2, 1999 by Decree Law 171, which declared a state of emergency ("Etat de siège", state of siege) in Equateur, Katanga, North Kivu, South Kivu, Maniema, and Province Orientale. The state of siege was justified by the "danger constituted by the aggression and invasion of DRC by foreign armies" and "considering that this barbaric and unfair war places the Congolese nation in danger and disturbs the functioning of the state and the Government of Public Salvation."² While the decree law has drawn little international attention, it granted the military sweeping powers over civilian administration. Decree No. 172 outlines the provisions of the state of siege, giving the military the authority to replace civilian authorities, appropriate private property, and to forcibly recruit civilians for the "benefit, directly or indirectly, of national defense and the safeguarding of public security and interest."³ Following the new decree, the military courts would presumably have jurisdiction over all cases handled by the civilian court system in those provinces declared under siege. Human rights lawyers in Lubumbashi confirmed that the civilian courts were no longer handling criminal cases.⁴ At the end of the year, the Military Court had jurisdiction over the cases of nearly 800 Congolese military held in the Reeducation and Penitentiary Center of Kinshasa (formerly the Makala Central Prison) and another 1,400 held in Katanga, as well as hundreds of cases of civilians, including common criminal suspects, political prisoners, and suspected rebel collaborators.⁵

Since its establishment, the functioning of this court has been marked by prolonged delays, a lack of due process, and a propensity to apply and execute the death sentence.⁶ Many of the military in custody have not been charged.

¹Human Rights Watch interview with second president of the Military Court, Military Court, Kinshasa, November, 1998. According to the second president, roving or permanent military courts had been or would be established in these cities and in the interior.

²The state of siege was proclaimed in Decree No. 171 by President Kabila, Kinshasa, January 2, 1999.

³Decree No. 172, Kinshasa, January 2, 1999.

⁴Human Rights Watch interview by telephone, Lubumbashi, January

⁵The Military Court (*Cour d'ordre militaire*) was established by Decree-Law No. 019, of August 23, 1997. Article 3 spells out its purpose as being "to bring to light all the infractions committed by elements from the 50th brigade of the army, the soldiers of the former Zairean Armed Forces as well as elements of the police."

⁶Human Rights Watch opposes the death penalty in all cases due to its inherent cruelty and irreversible nature. In addition, the death sentence is most often carried out in a discriminatory manner. In some cases, such discrimination may be on ethnic, religious, or political grounds. Furthermore, the inherent fallibility of all criminal justice systems assures that even when full due process of law is respected innocent persons are sometimes executed. Because an execution is irreversible, such miscarriages

Many civilians who have been politically active are charged with such catchall offenses as endangering the security of the state or "association with wrongdoers."⁷

Public prosecutors often seek the death penalty for civilians and military personnel alike, and over seventy-three death sentences have been carried out since the creation of the court. In violation of international norms, the court lacks an appeal process, even for those sentenced to death.⁸ In interviews with Human Rights Watch, court officials, including the acting commander president of the court and a military public prosecutor, expressed their strong support for death sentences in order to eliminate suspected rebels, common criminals, ill-disciplined military, and collaborators with the enemy.

Decree Law 019 stipulates that all death sentences must be followed by an automatic plea, to be submitted by the Minister of Justice, for presidential pardon. Despite this regulation, many executions were carried out the same day as sentencing or shortly after, raising doubts that presidential pardon had been sought.⁹ Since the clemency procedure is secret, it is difficult to know in how many cases pardon was actually requested and denied. President Kabila, who alone is empowered to commute the death sentences, is known to have granted only one pardon: a thirteen-year-old soldier who had been sentenced to death in late March for killing a Red Cross worker in Kinshasa was granted clemency on April 18, 1998. In addition, a convicted pregnant woman in the town of Uvira was granted a stay of execution until she gave birth to her child.

The second president of the Military Court told Human Rights Watch that under the decree law establishing the court those condemned to death could be legally executed immediately following judgment. This violates principles both of the Congolese code of criminal justice and international norms. On November 14, thirteen FAC officers accused of cowardice and fleeing before the enemy were sentenced to death by the Military Court in Lubumbashi. Public prosecutors and defense lawyers for the thirteen were reportedly given only twenty-four hours to prepare the cases. The thirteen were executed later the same day; it is highly improbable that the time between the sentencing and execution permitted time for the administrative procedures to seek presidential clemency as stipulated by regulations.¹⁰

In the Military Court, even judges and prosecutors fear retribution by soldiers if they issue orders that displease them. Mukuntu Kiyana, the president of the Military Court, was himself arrested on August 6 and released after four days, only to be rearrested on August 28 reportedly for having ordered the death sentence for a group of twenty-four soldiers. Following their execution, he was accused of "intelligence with the enemy," reportedly at the request of military allies of the twenty-four. He remained in detention as of early January. Under sway of the military, prosecutors and judges request and hand down the maximum allowable penalties for those found guilty. According to defense lawyers, judicial personnel also hesitate to give or execute orders to release detainees who might later join the RCD.

Many of the arrests appeared arbitrary, often based on ethnic rivalries, settling scores, or membership in an opposition political party. Those arrested were frequently accused of complicity with rebel forces. Release from detention was uncertain even for those who had been issued release orders, having been acquitted or having no charges against them. According to a court document shown to a Human Rights Watch researcher by a military prosecutor,

of justice can never be corrected.

⁷Human Rights Watch interview with the *Toges noires* (Black Robes), an NGO providing pro-bono legal assistance for military and civilians before of the Military Court, Kinshasa, November 18, 1998.

⁸Congo is a party to the International Covenant on Civil and Political Rights (ICCPR) which in Article 14 (5) guarantees review of sentences by a higher tribunal. This right is non-derogable, even during a state of emergency.

⁹In addition to Article 14 (5) which guarantees the right to review by a higher tribunal, the ICCPR furthermore provides in Article 6 (4) that "anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence may be granted in all cases."

¹⁰Human Rights Watch interview with Military Court defense lawyer, Kinshasa, November 19, 1998.

two well-known political prisoners, Professor Kabila Kalele, a lecturer of sociology at Kinshasa University, and his collaborator Jean-Francois Kabanda, a free lance journalist, both prominent members of the UDPS political party, were ordered to be released in mid-November.¹¹ The two were arrested on October 24, 1997 following the publication of an article in which they alleged that President Kabila had "sold the country" to the Rwandan Tutsis. Despite the writer release order dated mid-November 1998, the two remained in detention as of early January 1999.

While the Congolese government has made efforts to reform the penitentiary system, including a renovation of the Reeducation and Penitentiary Center of Kinshasa,¹² persons in detention remained subject to harsh and arbitrary treatment. On August 19, following an escape of approximately 180 prisoners from the prison, seventeen prisoners and one prison official were summarily executed by Congolese military inside the prison grounds for having allegedly assisted in the escape. According to one source, one of those executed was an imprisoned television repairman who was actually shot because a soldier was displeased with a repair job on his television.¹³

Ethnic Persecution

In addition to those facing trial by the military courts, another group of persons at risk of execution or other human rights abuse are ethnic Tutsi civilians in government-held territory, including those in detention or interned. As of early January, nearly 140 Tutsi civilians were in detention in Kinshasa at the military Camp Kokolo, headquarters of the 50th brigade of the Congolese Armed Forces (FAC). Others are concentrated with the knowledge of the government in various private locations, including hotels and religious establishments that serve as temporary places of safety, totaling approximately 520 in Katanga and some 450 in Kinshasa by early January. An additional unknown number of Tutsi remained dispersed, often in hiding, in private residences throughout government-held territory, including Kinshasa and Katanga.

Despite some efforts and proclamations from members of the Congolese government, Tutsi in detention or interned in government-held territory—including Tutsi purportedly under the protection of the government—remained easy targets for Congolese military or other state agents well into January 1999. On January 12, a group of around thirty-five individuals, mostly Tutsi women, were rounded up from their lodgings at the Catholic Bethanie Center in Kinshasa by military from the 50th brigade and taken to Camp Kokolo. The military accused those arrested of being rebels or rebel-supporters, threatened to kill one of the Catholic sisters, and looted and destroyed property at the center. The operation was reportedly carried out without the knowledge of the Minister of Human Rights, who, along with other members of the government, had arranged or facilitated protection of the Tutsi sheltered at the center. Those arrested included two Congolese human rights activists lodged at the center and at least one of the center's employees. Following their arrest, the military at Camp Kokolo claimed that the detainees were being held "for their protection," but gave only limited access to international humanitarian groups or U.N. agencies attempting to provide humanitarian assistance to the detainees.

This most recent round of persecution of Tutsi began in late July 1998 following President Kabila's expulsion of Rwandan military from Congo.¹⁴ Many Tutsi civilians of Congolese and other nationalities fled Kinshasa during this

¹¹Human Rights Watch interview with military prosecutor, Military Court, Kinshasa, November 16, 1998. Headed by Etienne Tshisekedi, the Union pour la démocratie et le progrès social, Union for Democracy and Social Progress, is one of the major long-standing opposition parties in Congo.

¹²While the general situation for most prisoners was markedly improved, conditions outside of pavilions one and eight could not be verified as these reportedly decrepit sections were not accessible to visitors.

¹³Human Rights Watch interview with an NGO representative working in prisons of Kinshasa, November 19, 1998.

¹⁴Tutsi in Kinshasa and elsewhere in Congo were attacked, killed, or forced to flee due to persecution by the Mobutu government and militia in 1996 and 1997. In an effort to assert their right to Zairian citizenship, Tutsi from South Kivu, known generally as Banyamulenge, supported Kabila and his allies in their overthrow of Mobutu in 1997. Politicians and others who resented the economic and potential political power of the significant number of people of Rwandan origin in eastern Congo

period. As the RCD forces advanced on Kinshasa in August, the Congolese government exploited existing tension between Tutsi in Kinshasa and other ethnic groups as well as a general state of fear to help defend the capital and maintain their hold on power. During this period of widespread panic, members of the Congolese government made dangerous, xenophobic statements, including virulent calls for the population to pick up arms and kill "the enemy"—defined broadly as Rwandans or Tutsis—that created an environment in which civilians could kill with impunity. On August 4, President Kabila's cabinet director Abdoulaye Yerodia made a public declaration on national television in Kikongo, the language of Bas-Congo, addressed to the population of that region that was a thinly veiled call for ethnic attacks on Tutsis. Yerodia instructed "his brothers" to "rise up as one man to kick out he who looks like the common enemy." He further stated that the population should use any weapons available, including hunting guns, machetes, axes, arrows, sticks and rocks to contribute to this effort.¹⁵ On August 6, Governor of Kinshasa Théophile Mbemba organized a "march of anger against the Rwandan aggression" at the Kinshasa central market, attended by Yerodia, Minister of Information Didier Mumengi, and Minister of Transportation and Communications Henry Mova Sakanyi.¹⁶ The march featured anti-Tutsi songs and slogans including "better to spare a snake than a Rwandan" and "Kinshasans say no to the presence of Tutsi Banyamulengue in Congo."¹⁷ Radio broadcasts on August 8 from a government regional radio in the eastern town of Bunia called on the local population to use "a machete, a spear, an arrow, a hoe, spades, rakes, nails, truncheons, electric irons, barbed wire, stones, and the like, in order, dear listeners, to kill the Rwandan Tutsis." On Wednesday the 12th, a local commander of the Congolese army called on Bunia residents to "be ferocious" with the Rwandans and "massacre them without mercy."¹⁸

These calls from the government resulted in the slaughter of a large number of Tutsis in government-held territory by Congolese military and civilians, sometimes following arrest by military. While the number of civilians killed will never be known, the total for Kinshasa alone was probably several hundred.¹⁹ Those killed were predominantly Tutsi, although Congolese human rights NGOs noted that those killed included the homeless, mentally ill, and individuals who vaguely resembled ethnic Tutsi, while others took advantage of the environment of impunity to settle old scores.²⁰ Several including former detainees described in detail to Human Rights Watch the killings of dozens of people arrested by Congolese military and detained in Camp Kokolo during the period of ethnic slaughter in August.²¹ Witnesses, including military personnel from Camp Kokolo, gave testimony and independently drew similar maps for Human Rights Watch which identified the locations of killings and subsequent burning of bodies and burials in mass graves in Camp Kokolo. Some testimonies indicated that other mass grave sites existed in Kinshasa, including in the grounds outside the former parliament building, the present location of the office of the presidency. When looking for her husband at Camp Kokolo on August 5, one spouse of a Tutsi detainee was told by an officer at Camp Kokolo that "it

increasingly challenged their right to citizenship in an effort to deny their ability to vote or hold political office. For more details, see Human Rights Watch and the Fédération Internationale des Ligues des Droits de l'Homme, (FIDH), "Forced to Flee, Violence Against the Tutsi in Zaire," *A Human Rights Watch Short Report*, vol. 8, no. 2 (A), July 1996; and Human Rights Watch "Transition War and Human Rights," *A Human Rights Watch Short Report*, vol. 9, no. 2 (A), April 1997.

¹⁵"The Palmars," Kinshasa-based newspaper, No. 1301, August 5, 1998.

¹⁶"Le Soft," Kinshasa and Brussels-based newspaper, No. 892, August 8, 1998.

¹⁷The march also included the public slaying of two goats representing former Foreign Minister Bizima Karaha and former AFDL leader Déogracias Bugera, two Tutsi who defected from Kabila's ranks to join the RCD.

¹⁸"DRC: Hate Radio Reemerges as rebels push toward Bunia," Integrated Regional Information Network, Nairobi, August 12, 1998.

¹⁹This estimate is based on multiple interviews and reports from local and international organizations based in Kinshasa. No comprehensive report or breakdowns of the number of combatants and civilians killed were available from these organizations regarding killings during this period.

²⁰A government statement in August warned the population that rebels were infiltrating Kinshasa disguised as people who were mentally ill. This led to the killing of numerous mentally ill persons by mobs. Another government declaration instructed the population to beware of women with thick or braided hair who may be smuggling grenades into the city. This led to the harassment of numerous women and reportedly several incidents of rape.

²¹Human Rights Watch interviews, Kinshasa, November 15, 17, and November 21, 1998.

was not worth it to go looking for him. We're liquidating them at the president's office and putting them in a big hole over there."²² While Human Rights Watch received other reports indicating that some of those summarily executed in August had been buried in a mass grave on these grounds, limited access to this heavily-militarized area prevented verification.

The virulent discourse and incitement to violence from state agents, at times broadcast over national radio and television, ended only in mid-August after international pressure led to a moderation of the public position of the government. In mid-August, President Kabila gave a press conference calling for the protection of civilians, although many Congolese listeners claimed that his speech was not as "heartfelt" as previous speeches from members of his government inciting the population to violence against ethnic Tutsis.²³ The calls to violence, however, were replaced by a more subtle discourse from some officials, who continued to portray all Tutsi as "evil" and "the common enemy." The minister of transportation and communications, for example, published a document in October 1998 drawing parallels between a "Hima-Tutsi" phenomenon in the Great Lakes Region and Nazism in the 1930s and 1940s.²⁴ While killings were greatly reduced following Kabila's August speech, no public actions have been taken to date by the Kinshasa government to punish those responsible for incitement to hatred or violence, and the potential for future violence against ethnic minorities remains.

Tutsi women were also subject to arrest, ill-treatment, and rape in detention. One widow from the Kintambo neighborhood of Kinshasa was arrested on August 7 and held at the office of the Rapid Intervention Police (PIR) known as "ex-Circo."²⁵ Upon arrest she was beaten along with her thirteen- and fifteen-year-old children by police who accused them of being "Rwandans." The widow was born in Congo, the daughter of a Tutsi and a Bango, an ethnic group unquestionably indigenous to Congo. She stated that during her twenty-four hour detention she was raped by a member of the PIR and that she believed that at least one other woman from her cell who was taken away by police and returned in tears was raped.

The absence of prosecution for any killings of Tutsi thus far, the verbal attacks carried out without punishment, and the existence of the "model" of the genocide in neighboring Rwanda, combined to make an atmosphere highly dangerous to Tutsi. As the war-time scarcities and sufferings due to the war continue to mount on the Congolese population, they become an increasingly vulnerable target to any future hate speech or calls from the government to take public defense into their own hands, including calls to kill. During interviews with Human Rights Watch, Congolese of diverse backgrounds in the east and west—including members of the Congolese government—made allusion to the serious danger that civilian Tutsi could face were the war not to go well for the Congolese government. Rather than acting firmly to protect Tutsi, some government officials suggest that further killings, under the guise of supposedly "spontaneous" acts by the population may be inevitable. During an interview with Human Rights Watch an official of the Military Court stated that,

²²Human Rights Watch interview with spouse of a Camp Kokolo detainee, Kinshasa, November 21, 1998.

²³Human Rights Watch interview with Congolese human rights NGO activists, Kinshasa, November 17, 1998.

²⁴"War in Congo: The effect of Hima-Tutsi ethno-fascism in the Great Lakes Region," Henri Mova Sakayani, Minister of Transport and Communications, Kinshasa, October, 1998. With the ethnic polarization of the last thirty years, people in the Great Lakes region have increasingly identified themselves as part the group of cultivators, sometimes called "Bantu," or as part of other groups identified as cattle-raisers. Those of one group have come to fear people of the other, a fear often manipulated by politicians who claim to have discovered genocidal plans among people of the opposing group. Hima and Tutsi were cattle-raisers, the former found mostly in Uganda and Tanzania, the second in Rwanda and Burundi and in Eastern Congo.

²⁵Human Rights Watch interview, Kinshasa, November 16, 1998.

If the rebels come here, there may be another genocide, a spontaneous rebellion. They come with a virus. We know who the Rwandans are just by looking at them. In the case that they win, life for them will be impossible. You may see something not at all planned.²⁶

In this explosive environment, future incitement from members of the government or the public could ignite existing anti-Tutsi sentiment into further killings by civilians or military. At the same time, public statements suggesting genocidal violence could emerge in response to battlefield losses for the Congolese government. This could create the preconditions for ethnic slaughter, effectively designating a part of the Congolese population hostage to government fortunes in the conflict.

Some members of the government and military took action to protect the rights of Tutsi and others in Congo, at times at great personal risk, reflecting widely differing points of view among members of the Congolese government regarding human rights. On November 21, Congolese Minister of Human Rights Leonard Okitundu personally escorted a group of approximately nineteen Rwandan nationals to the airport in Kinshasa during their evacuation to Kigali. Mr. Okitundu gave an interview at the airport explaining that this was a voluntary repatriation supported by the Congolese government, which had made provisions for Tutsi of any nationality wishing to leave the country. In an interview with Human Rights Watch, Okitundu said the Congolese government has established a procedure involving the ministries of the interior and human rights to facilitate the departure of any Tutsi wishing to leave the country. Numerous military and civilian officials also housed Tutsi in their own residences or elsewhere in efforts to protect them.

The assistance and protection provided Tutsi by other governments (in the region and elsewhere), international organizations, and embassies was inconsistent, especially as it concerned the needs of evacuation. In the first months of the war, some diplomats, members of local human rights and religious groups, and officials from international organizations took measures to protect and assist with the evacuation of Tutsi from government-held areas. As of early January 1999, however, many Tutsi were still living in fear in Kinshasa, urgently wanting to leave the country, but unable to do so because of visa requirements or a lack of financial means to support themselves abroad. Several diplomats in Kinshasa—some of whom had actively protected Tutsi during the period of killings in August—stated to Human Rights Watch that their inability to grant visas or their slowness in doing so was due to the policies and procedures of their respective governments.

Some members of the diplomatic community in Kinshasa and representatives of international organizations privately expressed fears that they would be participating in "ethnic cleansing" if their assistance in evacuations was not accompanied by a government guarantee of the right of Congolese Tutsi to return as citizens. This may also have slowed the granting of visas or other assistance to Tutsi seeking to leave. Efforts had been made by several embassies, church representatives, and international organizations, including the United Nations High Commissioner for Human Rights Field Office in Congo, to locally protect Tutsi and/or facilitate their departure, but many Tutsi remained in hiding or in detention without assistance.

One key initiative to protect Tutsi in Kinshasa by this group was an attempt to relocate the nearly 140 Tutsi in Camp Kokolo to a safer, more easily accessible location in Kinshasa. While the plan had been approved by a number of high-level government officials, as of early February, President Kabila had yet to sign an order approving the assignment of security personnel to this site.

²⁶Human Rights Watch interview with the second president of the Military Court (*Cour d'ordre militaire*), Kinshasa, November 20, 1998.

Violations Committed in Areas of Combat

While taking no position on why countries go to war, Human Rights Watch has examined the application of international humanitarian law, the rules of war, in numerous conflicts over the past two decades. While there are internal rebellions taking place simultaneously, the hostilities in Congo involve several states from the region, making it an international armed conflict as defined in Article 2 common to the four Geneva Conventions of August 12 1949. As such, the conduct of military operations by all states involved in the conflict are governed by the Geneva Conventions, as well as the customary laws of war.

The Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) contains detailed rules, mostly reaffirmations or clarifications of existing customary law, which implement the customary principles that a distinction should be made between combatants and civilians and that civilian objects may not be the object of military attacks.²⁷ In particular, Article 51(2) reaffirms that "The civilian population as such, as well as individual civilians shall not be the object of an attack."

Furthermore, Article 57 (2) of Protocol I provides that those who plan or decide upon an attack shall do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection but are military objectives within the meaning of paragraph 2 of Article 52 and that it is not prohibited by the provisions of this protocol to attack them. The requirements to do "everything feasible" to verify that the target selected is a military objective involves, according to Michael Bothe's *New Rules for Victims of Armed Conflicts*, "a continuing obligation to assign a high priority to the collection, evaluation, and dissemination of timely target intelligence."²⁸

Articles 51(5)(b) and 57(2)(a)(iii) and (b) contain the first codification of the customary rule of proportionality as it relates to collateral civilian casualties and damage to civilian objects. Article 51(5)(b) formulates this rule as follows:

an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

This rule, according to Bothe's authoritative commentary on the protocol:

Clearly requires that those who plan or decide upon an attack must take into account the civilian population in their pre-attack estimate. They must determine whether those effects are excessive in relation to the concrete and direct military advantage anticipated. Obviously this decision will have to be based on a balancing of:

- (1) the foreseeable extent of incidental or collateral civilian casualties or damage, and
- (2) the relative importance of the military objective as a target.²⁹

Accounts from witnesses in areas of combat of the behavior of the Congo-allied forces³⁰ from August through mid-January 1999 suggest that these standards were often disregarded. While information from areas of fighting or

²⁷Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protections of Victims of International Armed Conflicts (Protocol I) of June 8, 1977.

²⁸Michael Bothe et al, *New Rules for Victims of Armed Conflicts* (Martinus Nijhoff Publishers, Boston; 1982, p. 326).

²⁹*New Rules*, p. 310.

³⁰This refers to the governments of Zimbabwe, Angola, Namibia, and Chad, which have all sent troops to support the war effort of the Congolese government, as well as the forces of the Congolese government as well.

bombing was at times difficult to verify, reports of violations of humanitarian law were regularly received. NGOs, journalists, and missionaries on the ground gave eyewitness accounts to Human Rights Watch of the damage to civilians and humanitarian infrastructure following the bombing of RCD-held areas by the FAC and their allies, Angola, Zimbabwe, Namibia, and Chad. Most reports of violations came from areas of combat during or shortly after fighting.

RCD military and their allies also committed abuses during their offensive in western Congo. During August and September in Bas-Congo, RCD forces were responsible for extensive looting, especially of vehicles and communications equipment, destruction of civilian infrastructure, and reportedly rape and arbitrary killings.³¹ Later in August, RCD forces overran the Inga hydroelectric dam in Bas-Congo and repeatedly interrupted the power supply to the capital. This led to the disruption of running water supplies to the population and had serious effect on medical and other essential services in the capital. RCD forces committed further looting as they retreated from Kinshasa, including at hospitals, schools, and the Catholic mission at Kisantu.³²

As they began their assault in the Boma area in mid-August and progressively recaptured towns in Bas-Congo, Angolan forces and FAC reportedly committed killings of civilians and rape during house-to-house searches for RCD soldiers in Boma and Moanda.³³ Human Rights Watch also received several credible accounts of extensive looting by Angolan forces throughout Bas-Congo, including hospitals at Kangu and Kuimba, where even office furniture of the hospitals was taken.³⁴ Following the recapture of the city of Boma by the Angolans on August 26, Angolan troops took part in widespread looting including theft from private residences, farm animals, and vehicles, many of which were transported to Angola.³⁵

While combat had largely ceased in Bas-Congo by mid-September, the humanitarian situation remained serious at least through late November due to the extensive looting, destruction of infrastructure, and other abuses that had taken place earlier as well as difficulties for humanitarian NGOs to access the region. One local humanitarian worker who visited the Bas-Congo province in November described FAC roadblocks as "economic barriers" in reference to the blatant and high level of extortion by members of the FAC.³⁶ Government restrictions denied access to the region by international humanitarian agencies until November, when unclear administrative requirements and multiple government interlocutors continued to slow the delivery of aid. Several humanitarian groups in Kinshasa expressed their frustration at not being able to rely on government authorizations as these were often disregarded at FAC barriers.

Some members of the Congolese government suspected members of the international community in Congo, especially international humanitarian workers, of being spies or sympathizers of the RCD, further hampering access to areas of humanitarian need. In one instance, a member of an international humanitarian NGO was arrested and detained for several days for carrying a report which stated, "it is not certain that the population of Mbuji-Mayi would be hostile to the rebels were they to take the city."³⁷ True security concerns also prevented access to many areas of

³¹According to Human Rights Watch interviews with witness who were in Bas-Congo at that time and several reports from church officials, humanitarian organizations, and NGOs from Bas-Congo.

³²Human Rights Watch telephone interview with missionaries from Bas-Congo, Boston, Massachusetts, November 2, 1998.

³³According to Human Rights Watch interviews with witness who were in Bas-Congo at that time and several reports from church officials, humanitarian organizations, and NGOs from Bas-Congo. In the Moanda-Boma area, RCD soldiers reportedly wore civilian clothing as they fled, probably exacerbating the civilian death toll.

³⁴Report from church in Bas-Congo, September, 1998.

³⁵This testimony, taken from humanitarian organizations who were in Bas-Congo at the time, corroborated reports from journalists and dock workers in Angola concerning the arrival of looted goods in Luanda port on a state-owned Angoship boat.

³⁶Human Rights Watch interview with international aid organization in Kinshasa, November 13, 1998.

³⁷Human Rights Watch interview with international aid organization, Kinshasa, November 20, 1998.

humanitarian need, especially those near the front lines. While high-levels of extortion by the FAC and harassment of humanitarian workers were perhaps similar to pre-war levels, Kinshasa residents pointed out the effects could be potentially more severe during the war due to increased socio-economic pressure on the civilian population and an increased need for humanitarian assistance.

Aid workers described the behavior of Namibian and Zimbabwean forces at checkpoints as "professional" in several regions. Several reports from humanitarian organizations indicated that Zimbabwean forces had respected international norms regarding the treatment of prisoners of war and had on occasion protected them from the FAC. A humanitarian official working in Bas-Congo reported that Zimbabwean soldiers had intervened on their behalf when unruly FAC harassed them at checkpoints.³⁸

Human Rights Watch received reports of civilian casualties and the destruction of medical and other civilian infrastructure due to aerial bombardments by FAC allies from August 1998 through mid-January 1999, raising the concern that bombings may have deliberately targeted civilian objects, or at best failed to take into account the obligation to protect civilians and civilian property. Witnesses in Shabunda stated that in mid-September, bombs from planes assumed to be allied with the FAC hit civilian targets including the Shabunda hospital.³⁹ Reports from journalists and others in Kalemie and other cities under RCD control in Katanga and Maniema stated that dozens of civilians had been killed or wounded as a result of bombings by the Zimbabwean air force.⁴⁰ Local sources confirmed that on the night of January 10 and 11, FAC-allied forces carried out bombing raids in Kisangani that killed at least sixteen civilians.⁴¹ These attacks appeared to be indiscriminate in that they did not distinguish military objectives from civilians and civilian objects.

The Congolese government has reportedly recruited soldiers and militia accused of involvement in the Rwandan genocide of 1994 from refugee camps in Congo-Brazzaville, the Central African Republic and possibly other countries.⁴² The recruitment of refugees by governments from camps severely undermines the strictly humanitarian, civilian and peaceful character of refugee camps and internationally protected refugee populations.⁴³ The Congolese government has a responsibility to examine the past conduct of all combatants, in particular those known to be Rwandan, that is, those recruited in refugee camps housing only Rwandans, and particularly any who registered with local authorities as former members of the Rwandan Armed Forces. Any such persons against whom there are credible charges of genocide or crimes against humanity must be not only excluded from Congolese forces but also prosecuted or delivered to the custody of the International Criminal Tribunal for Rwanda.

Human Rights Watch also interviewed Ugandans in detention in Goma who claimed to have been recruited from refugee camps in the Juba area of southern Sudan.⁴⁴ The detainees, who spoke freely and appeared to be free of intimidation, claimed that they had been promised repatriation to Uganda, but were instead flown to Kindu, Maniema province, where they were instructed to join the FAC. They claimed that members of the West Nile Bank Front

³⁸Human Rights Watch interview with international humanitarian organization, Kinshasa, November 23, 1998.

³⁹Human Rights Watch interview with missionaries in Bukavu, December 10, 1998.

⁴⁰Agence France Presse, "Zimbabwean bombs kill 20 civilians in rebel-held DR Congo town," December 11, 1998.

⁴¹Human Rights Watch telephone interview from New York with resident of Kisangani, January 13, 1998.

⁴²Human Rights Watch interview with humanitarian organization operating in the camps, Kinshasa, November 19, 1998.

⁴³Conclusion No. 48 of the 1987 Executive Committee of UNHCR stipulates "the exclusively civilian and humanitarian character of refugee camps" and "the principle that the grant of asylum is a peaceful and humanitarian act that is not to be regarded as unfriendly by another state". Such principles are reiterated in the preamble to the 1969 OAU O.A.U. Convention Governing the Specific Aspects of Refugee Problems in Africa, to which Congo is a party.

⁴⁴Human Rights Watch interview with prisoners of war held at the RCD army security headquarters known as "former ANR," Goma, December 5, 1998.

(WNBF) in the Sudanese camps were also flown voluntarily to Kindu to fight on behalf of the FAC. They were subsequently captured by RCD forces during the battle of Kindu.

Recruitment of Child Soldiers

Since the beginning of the conflict on August 2, recruitment of children has increased. An official communique aired on national radio on August 7, 1998 called for children and youth between twelve and twenty years old to enlist in the armed forces, in response to the RCD insurgency. In addition to Kinshasa, recruitment reportedly took place at the airport in Mbuji-Mayi in Western Kasai, and Kamina, Kaniema, and Manono in Katanga. A FAC commander in Kinshasa who had done an informal survey of troops stationed there in November, 1998 found that one out of every fourteen FAC soldiers was under the age of thirteen.⁴⁵

Kabila has used child soldiers to support his military since 1996.⁴⁶ As the rebel leader of the Alliance of Democratic Forces for the Liberation of Congo (ADFL), he recruited thousands of young child soldiers, known as "Kadogo," or "the little ones," to support his military campaign against the Mobutu government.⁴⁷ Despite pledges from the Congolese government to demobilize children from the FAC since the end of the 1996-1997 war and the establishment of several fledgling demobilization programs, the Kabila government has continued to recruit children as young as seven years old for military service.⁴⁸ While no reliable statistics were available regarding the number of child soldiers, the total number is likely to be at least several thousand.⁴⁹

Conditions for child soldiers appeared to be deplorable. Aid groups working in the interior of Congo said that they frequently saw Kabila's young "volunteers" in tattered clothes and in a precarious nutritional state. A doctor of a humanitarian aid agency who had spoken with child soldiers deployed in Bas-Congo, including one only thirteen years old, feared that the child soldiers in this area would fall victim to epidemics.

International law prohibits the recruitment of any children under the age of fifteen, and an optional protocol to the Convention on the Rights of the Child is being drafted that would raise the minimum legal age for soldiers to eighteen.⁵⁰ Human Rights Watch supports this protocol.

The Democratization Process and Civil Society

President Kabila's declaration of a state of siege on January 2, 1999 gave sweeping powers to the military and again called into question whether the government will carry out its pledges to move towards a more representative government. While this move did not constitute a violation of international law, as Congo is in a state of war, the transfer of powers and other measures taken by the government since the beginning of the war made it clear that any credible transition to democracy was at least temporarily stalled.

⁴⁵Human Rights Watch interview with humanitarian agency, Kinshasa, November 15, 1998.

⁴⁶Persons below the age of eighteen are considered children, (Article 1 of the Convention on the Rights of the Child, September 2, 1990). All states are party to the Convention on the Rights of the Child except for the United States of America and Somalia.

⁴⁷Led by then-rebel Kabila, the Alliance des forces démocratique pour la libération du Congo (ADFL) was a coalition of political parties from eastern Congo that, with support from Rwanda, Uganda, Angola, and Burundi, overthrew Zairian President Mobutu in a seven-month war beginning in October 1996. For more details, see the following Human Rights Watch short reports: "What Kabila is Hiding: Civilian Killings and Impunity in Congo," vol. 9, no. 5 (A), October, 1997; "Uncertain Course: Transition and Human Rights Violations in the Congo," vol. 9, no. 9 (A), (also available in French).

⁴⁸Human Rights Watch interview with humanitarian agency, Kinshasa, November 15, 1998. The seven-year-old soldier had been seen by a doctor from the aid agency in the Kapalata demobilization camp near Kisangani early in 1998.

⁴⁹In mid-1997, national television featured a parade of what the government claimed were 5,900 FAC child soldiers in Mbuji-Mayi. Organizations involved in demobilization estimated that the total number in November had likely increased by several thousand.

⁵⁰Convention on the Rights of the Child, Article 38 (2) and (3).

Despite the January 29, 1999 decree law that lifted the ban on political activity imposed by Kabila upon taking power in May 1997, party politics remained prohibited for another three months pending the registration of parties with the ministry of interior.⁵¹ While "recognizing" and "guaranteeing" political pluralism, the decree nevertheless sets forth a series of conditions which must be met first by parties applying for registration, including the payment of a USD \$10,000 fee, and the deposition by founding members of seven copies of a range of documents, such as certificates of birth, residence, payment of state dues, and an attestation from a doctor that they are in good physical and mental health.⁵² Founding members must also prove that they and both their parents are of Congolese nationality.

The ban had by then accomplished the total paralysis of the entire political process in the country, without a credible bid from the ruling party to occupy the political vacuum it so aggressively sought to create. Because of the continuing crackdown on the opposition and other dissenting voices even from within the government's ranks, the decree liberalizing party politics left Congolese politicians skeptical. Spokespersons for the opposition Union for Democracy and Social Progress (UDPS) told Human Rights Watch that their party, which had persistently rejected President Kabila's ban on political activities, had no intention of becoming a "state enterprise" by registering under the provisions of the new law.⁵³

As was the case before the war, policemen and soldiers conducted unprovoked raids on the headquarters of political parties. The raid in mid-December on the home of veteran politician Antoine Gezenga, which doubles as headquarters of the Parti Lumumbist Unifié (PALU), was typical of these attacks. Agents, with no warrants, seized documents and personal property and rounded up twenty-eight party activists who were briefly detained.⁵⁴

Criticism of the constitutional review process—whether from inside or outside the government—was a sensitive issue. When the minister of health, Jean-Baptiste Sondji, publicly questioned the wisdom of limiting the consultations to hand-picked individuals and groups, he was dismissed and briefly detained without further ado. Asked to explain why he fired Mr. Sondji, President Kabila had this to say: "he practically banished himself from the government! He criticized the draft constitution so vehemently (...) that is why he has been dismissed."⁵⁵ On January 14, elements of the special group for presidential security arrested the director of the central bank and three senior aids, reportedly in retaliation for their opposition to monetary stabilization policies announced by the government.

Arbitrary arrests of opposition politicians and activists and suppression of their rights to free expression and movement continued unabated even when the government prepared to "liberalize" party politics. On January 16, the national intelligence agency summoned five leading members of prominent opposition parties, sternly reminded them that the ban on political activities was still in force, and detained them without charges for varying periods.⁵⁶ One of the five, Mukendi wa Mulumba, of the opposition Union for Democracy and Social Progress, was prevented days earlier from boarding a flight to Brussels where he was to represent his party in a conference organized by Congolese civil society groups. In late October, the government placed Etienne Tshisekedi, UDPS leader, under virtual house arrest and denied him an exit visa when he attempted to travel to Brussels to address a session of the European Parliament on his party's peace plan for the Congo.

⁵¹"Décret-Loi No. 194 relatif aux partis et aux groupements politiques," signed on January 29, 1999, Daily Bulletin of the Congolese Press Agency (in French), Monday February 1, 1998.

⁵²Ibid.

⁵³Human Rights Watch telephone interviews with UDPS spokespersons, New York/Brussels & Kinshasa, February 3, 1999.

⁵⁴"Congo - Kinshasa: DR Congo--Security forces raid party headquarters," Kinshasa, AFP, Dec. 16.

⁵⁵"Congo - Kinshasa: Kabila on Brussels visit, Congo conflict," *Le Soir*, Brussels, November 19, 1998.

⁵⁶The five were: Adrien Phongo, general secretary of the UDPS and Mukendi wa Mulumba, a lawyer and advisor to the party's leader; Kamitatu Masamba, leader of the Democratic and Social Christian Party; Bofassa Djema, leading member of the Popular Movement for the Revolution; and Kisimba Ngoy, a leader of the National Federalist Party.

Since the beginning of the conflict, Kabila has continued to push forward pre-electoral and electoral activities in a superficial fashion that appeared designed to ensure his own grip on power rather than to move the country toward a representative democracy. Despite his own pledges, the most important steps taken thus far to pave the way for a return to multi-party politics have largely excluded the political opposition and organizations of civil society. In November 1998, the government submitted the draft constitution to hand-picked "groups of opinion" from the civil society in Kinshasa.⁵⁷ The process was widely criticized by the organizations of the civil society and political parties alike: many organizations, including some of those included in the review, claimed that the time allowed for review was insufficient; political parties had been excluded from the process; the review was limited to organizations in Kinshasa only; and there was no guarantee that the government would take into consideration their points of view. With a view to preparing a national referendum on the constitutional draft, the government created a committee to organize a population census despite the fact that almost half the country was inaccessible due to the conflict; the committee invited several NGOs to assist in the process.

President Kabila's government has a long record of harsh treatment of critical nongovernmental organizations, and particularly human rights groups. Although the government had coopted a number of prominent civil society activists and rights advocates in its ranks, and avoided open confrontation with the nongovernmental sector, it found it difficult in many instances to hide its irritation and distrust of the sector's strengths and autonomy.

Most human rights groups stepped up their work on constitutional and electoral issues and civic education in advance of elections promised for 1999. A cluster of organizations came together to provide legal assistance to cases before the military court. Few took on the 'sensitive' issues generated by the war, particularly ethnic persecution, due to a fear of association with the RCD and its allies and a general sense of nationalism. Most civil society organizations made their priority promoting a transition to peace and democracy by publishing proposals for peace and organizing numerous conferences, notably a mid-January meeting in Belgium of organizations of civil society from both government and rebel-held Congo.

IV. EASTERN CONGO: FINDINGS

Clear trends of human rights abuses have developed in eastern Congo since early August 1998. The RCD, supported by regular troops of the Rwandan, Ugandan, and Burundian militaries have committed a range of abuses against Congolese civilians, including deliberate killings, arbitrary arrests and detentions, "disappearances", harassment of human rights defenders, abuses against women, and recruitment of child soldiers in efforts to combat Interahamwe and Mai-Mai insurgencies and to exert political control over opposition voices.⁵⁸ Unlike the 1996-1997 conflict, when many of the victims were Rwandan and Burundian refugees, the present war has involved abuses against Congolese from almost all major ethnic groups in eastern Congo. Residual refugee populations from Rwanda and Burundi, many of which had integrated themselves into local communities, were also targeted for attack by RCD forces.

⁵⁷A hand-picked constitutional committee handed a draft constitution to the president in March 1998 for approval. A procedure to create a constituent assembly was nominally established by the government in May to review the draft. Authorities adopted a cumbersome procedure for the selection of assembly members from lists of applicants who, by mid-June, had reportedly reached 10,000. The assembly was never formed. Instead, the task of reviewing the draft constitution was entrusted to a "Technical Commission" headed by the minister of justice after the war broke out.

⁵⁸"RCD military and its allies" or "RCD forces" in this report refers to forces from the Rwandan, Ugandan, and Burundian militaries, and/or members of the FAC (referred to as the "RCD army") that have defected to the RCD and are under the command of Congolese officers.

While the current level of human rights abuses against civilians in eastern Congo is already cause for serious concern, the situation risks further deterioration and even more egregious abuses. The growing number of armed groups in the east—both militia and national armies, often with tensions among alleged allies—constitute a real threat to the civilian population. A primary concern is the large number of abuses committed against civilians in areas of combat between Interahamwe and Mai-Mai militia and their adversaries from the RCD and its allies.⁵⁹ The militia groups use guerrilla warfare tactics against the RCD forces, which is often followed by heavy-handed reprisals against civilians by the RCD military. This has led to the displacement of tens of thousands of civilians in North Kivu, South Kivu, and Katanga. Militia in North Kivu attack civilian vehicles, strangling local economies and making travel dangerous outside of urban centers. All sides act in an atmosphere of effective impunity with little or no regard for the protection of civilians, which fuels the cycles of attacks and counter-attacks.

Victims and witnesses of abuses in eastern Congo frequently described perpetrators as "Rwandan," "Banyamulenge," or "Tutsi" military allied with the RCD, but were often unable to conclusively identify them as belonging to a particular army. Establishing the national identity of perpetrators was complicated by the fact that some Tutsi military among the Rwandan and Ugandan forces were born in Congo but have lived in all three countries; Kinyarwanda and Swahili are spoken in all three countries; and the use of uniforms by RCD forces was often haphazard. Commanders fighting on behalf of the RCD frequently wore civilian clothes and, in an apparent attempt to further hide their identity, often used their first names or pseudonyms only. Many residents of the east claimed that the RCD military was dominated by Tutsi from the Rwandan, Ugandan, Burundian or Congolese armies, increasing resentment among other Congolese ethnic groups vis-à-vis Tutsi in general. This development has further complicated long-standing conflicts in eastern Congo over customary power, land, administrative posts, and nationality, and may endanger the long-term protection of the rights of Tutsi in Congo.⁶⁰

Despite their administrative role throughout territory under their control, RCD civilian and military authorities lacked control over their foreign allies, including Rwandan, Burundian, and Ugandan forces. This weakened their ability to respect human rights in territory under their control, despite their public commitments to uphold international human rights standards.⁶¹ One Congolese commander of RCD forces told Human Rights Watch that he did not have control over the actions of the Rwandan commander allegedly serving as his deputy.⁶² This Rwandan commander was one of several in the east who was repeatedly cited by victims and witnesses as being responsible for numerous cases of arrests, illegal detentions, and "disappearances".

This report highlights several patterns of human rights violations by RCD forces. The cases described below illustrate the kinds of abuses being perpetrated by RCD forces and clearly establish the need for further investigation and punishment of those found responsible.

⁵⁹Most of the abuses committed by the FAC and their allies in the front line areas are described in the western Congo section of this report.

⁶⁰These intertwined conflicts between different ethnic groups in eastern Congo have been exacerbated by the absence of rule of law by the governments of President Kabila and former President Mobutu. People whose ancestors were Rwandan have been subject to a number of changes in Congolese law which could arbitrarily deprive them of their right to nationality. These changes and a threat by the vice-governor of South-Kivu to expel Tutsi in 1996 were among the contributing factors to the 1996-1997 war. Many politicians and others in the Mobutu and Kabila administrations have sought to tailor nationality laws in a fashion that would exclude many ethnic Hutu and ethnic Tutsi from citizenship, thus depriving them of many important rights, including the right to vote and the right to hold office. See Human Rights Watch and FIDH report "Forced to Flee."

⁶¹During interviews with Human Rights Watch, RCD authorities repeatedly expressed their adherence to international human rights standards. In a public RCD "Political Declaration" delivered in Goma, August 12, 1998, they further proclaimed their recognition of the principles contained in the Universal Declaration of Human Rights, the African Charter on Human and People's Rights, and the "international pacts."

⁶²Human Rights Watch interview with RCD military commander, December 8, 1998.

Extrajudicial Executions and Indiscriminate Attacks Against Civilians

Civilians have been the primary victims of the conflict in eastern Congo. Forces aligned with the RCD committed summary executions in eastern Congo from August to early January in eastern Congo. Executions of unarmed civilians often were carried out near areas of combat between militia and RCD forces, while other killings took place in detention centers or following arrests. Most large-scale killings took place in South Kivu, where combat between RCD forces and militia was frequent. Human Rights Watch received numerous reports of extrajudicial executions by RCD forces which continued at the time of this writing, in January 1999.

The most well-known and possibly the largest massacre of civilians took place on August 24 in villages near Kasika in the Lwindi collectivity of South Kivu. The killings were carried out by RCD forces who had suffered casualties following an ambush by Mai-Mai in the Lwindi collectivity on August 23. Reportedly angered by the deaths of several officers during the ambush, the RCD forces, described by witnesses as "Rwandan and Ugandan" or "Banyamulenge", attacked the Catholic church at Kasika the following day where they killed thirty-seven civilians, including the Abbey Stanislas, three sisters, and parishioners.⁶³ Many witnesses and residents of Bukavu considered the killings as "a punishment" for the Mai-Mai ambush the day before. Others were killed in the surrounding communities; estimates of the total number of dead, probably at least several hundred, and the extent of destruction of houses and other infrastructure were impossible to verify due to poor security conditions and, in particular, uncertainty regarding the protection of witnesses.⁶⁴

The RCD forces continued killing near the house of the traditional chief of Lwindi, Mr. Mubeza, where approximately twenty-nine people were executed, including the chief and his family, according to a local church official.⁶⁵ Many victims were executed by machete or other sharp objects; a smaller number were shot.⁶⁶ One church official stated that a nun had been cut entirely in two from the head through the entire body.⁶⁷ Many bodies of children and babies were found in latrines. One witness interviewed by Human Rights Watch had identified many of the church officials before their burial in Kasika and assisted with the extrication of corpses and children survivors from latrines.⁶⁸

On August 24, the RCD forces carried out a scorched earth campaign along the main road through the Lwindi collectivity, killing civilians and burning houses. Among the villages attacked in this fashion were Kilongutwe, Kalama, and Kalambi. Several Congolese investigators who had participated in burials and/or investigations in the days following the massacres claimed that the RCD forces destroyed many houses, at times burning civilians alive inside them.⁶⁹ Most of the killings took place in Kilongutwe, where it was market day. The destruction of civilian

⁶³Details of the church killings were obtained by Human Rights Watch through a telephone interview with church officials in Kinshasa, New York, September 1, 1998. These details were confirmed by several witnesses interviewed by Human Rights Watch in Bukavu who had carried out investigations in Kasika.

⁶⁴Estimates vary of the total number of victims in the area of the four villages. One investigation conducted by individuals who participated in burials and spoke with witnesses claimed that the total number killed included sixty-six at Kasika, 618 at Kilongutwe, and approximately twenty in Kalambi. They claimed to have the names of the victims. Another investigation, carried out in part by witnesses of the events at Kasika, found that the total killed included 385 at Kasika, forty-three at Zokwe, ninety-five at Kalama, and 373 at Kilongutwe. This second investigation identified by name forty-two of the dead. Catholic clergy estimate that a total of over 1300 were killed during these incidents.

⁶⁵Human Rights Watch interview with official of Catholic church from Kasika area, Panzi, December 9, 1998.

⁶⁶"Massacres-Genocides at Kasika-Kilongutwe, territory of Mwenga, South Kivu by Tutsi rebel troops in DRC", report by the NGO CADDHOM, September 9, 1998.

⁶⁷Human Rights Watch interview with a relative of one of the victims of Kasika, Bukavu, December 16, 1998.

⁶⁸Human Rights Watch interview with official of Catholic church from Kasika area, Panzi, December 9, 1998.

⁶⁹Report following field investigation by local NGO, Bukavu, September 9, 1998. In an interview with Human Rights Watch on December 15, 1998, the author of this report explained that in one village he looked inside a round, adobe hut which had been set afire with gasoline and saw a waist-high pile of the remains of bodies. The flesh and clothes of the victims had burned into

infrastructure, displacement of much of the local population, and widespread fear resulting from the killings continued to make it difficult for residents in the Kasika-Mwenga area to find food, water, or access to health care. Many villagers had not yet returned to their homes as of December.

Authorities from the RCD have publicly acknowledged that these killings were carried out by their own forces and appointed a commission to investigate the incident, headed by the Department of Justice and Human Rights. However, as of early January 1998, the commission of inquiry had failed to conduct any investigation of the killings, and was evidently being stalled by the military authorities.⁷⁰ RCD authorities claimed that several factors had blocked the commission, including the failure of the military to appoint a member to the commission, and a lack of funds.

While the killings in the Kasika area and other reports of human rights abuses have not been publicly investigated by the RCD, the RCD has proven its capacity to investigate and draw attention to human rights violations committed by Kabila's forces, including the killing of Tutsi. A report from the Department of Justice and Human Rights on violations from August to September 1998 was devoted almost entirely to abuses committed by the Kinshasa government, making only a passing reference to the killings at Kasika.⁷¹ The report included an analysis of the norms of international law violated by Kabila's forces and recommended that Kabila and his allies be held accountable for abuses. The RCD made resources available for a televised exhumation and reburial ceremony on December 9 in Uvira of Congolese Tutsi, reportedly civilians killed in Kalemie and Vyura by forces loyal to Kabila.

The Kalehe-Kabare area of South Kivu was another site of fighting between RCD allies and militia that was followed by RCD reprisals against civilians. On the night of October 21 and October 22, RCD forces reportedly killed ten residents, including the village chief Kashera, in the village of Bushaku, in Kalehe.⁷² RCD forces based in Lemera, a few kilometers from Bushaku, attacked residents of Bushaku due to a suspicion that they were supporting Mai-Mai and Interahamwe.⁷³ In addition to the killings, twenty-six houses were burned—the bodies of the ten killed were inside some of them—and others were looted. This pattern of fighting between militia and RCD forces followed by RCD reprisal attacks against civilians continued in the area at least into December.

Killings by RCD forces also took place during the night of December 3 and 4, near the villages of Chipaho and Lemera in South Kivu, where traders and other civilians were going to the market.⁷⁴ Many of those killed, suspected of being supporters of the Mai-Mai, were palm oil merchants who had left their homes in the Katana-Kalehe area at night to arrive for the morning market in Chipaho. The traders had received permission from RCD authorities in Katana and Kalehe to travel this route in order to circumvent other roads presumed to be more dangerous due to fighting. Bodies of the dead were found in the Lemera area by travelers on the morning of December 4. While survivors in a local hospital and family members of the victims provided the names of fifteen men, women, and

a substance that looked like tar. Similar circumstances elsewhere made it impossible to tell how many people had been incinerated at this and other sites.

⁷⁰In addition to the Department of Justice and Human Rights, the commission was to include representatives from the Department of Territorial Administration, the Department of Foreign Affairs, the Governor's Office of South Kivu, and the RCD army.

⁷¹"Les Violations des droits de l'Homme commises sur le territoire de la République Démocratique du Congo entre août et septembre 1998," Rapport Bimensuel, Department of Justice and Human Rights, Goma, September, 1998.

⁷²"Rapport on the massacres of people at Bushaku and Lemera, territory of Kalehe, 21-22 October, 1998," report from NGO in Kalehe, November 3, 1998. The author and researcher of the report, interviewed by Human Rights watch in Bukavu on December 9, provided the family names of the ten people killed, who included six children, one a ten-year-old girl.

⁷³Ibid.

⁷⁴Human Rights Watch interview, Bukavu, December 10, 1998.

children who were killed in the Chipaho-Lemera area on that night, the total number of dead is likely to be significantly higher.⁷⁵ Most of the victims were killed by bayonet, machete, or other hand weapons.

Reports from organizations working with refugee populations in South Kivu described attacks on Burundian Hutu refugees in South Kivu by RCD forces and their allies. On several occasions, RCD forces reportedly rounded up groups of refugees who had integrated themselves into the local communities. One report described three round-ups which took place at the weekly market at Runingo, in the Uvira area, on August 15, August 22, and August 29 of twenty-two, eighteen, and eight refugees respectively.⁷⁶ Refugees were also rounded up from their homes in Kaliba on the night of November 28 and 29.⁷⁷ On each occasion, the refugees were loaded onto military trucks and not seen again.

Fighting between the Congolese government's FAC and the RCD in Uvira from August 4 to 7 also led to widespread abuses against civilians. Apparently in reprisal for their own losses, the rebel military reportedly arrested and killed many civilians suspected of opposing the RCD in the days that followed their takeover of the town. Volunteers with the local Red Cross reportedly buried dozens of civilians, mostly men killed by bullets from August 4 to 11. Human Rights Watch is in possession of a list of 119 names of these victims including their addresses and occupations. A participant in the burials told Human Rights Watch "some bodies were tied up, some had their penises chopped off, there were also bodies of young women, aged fifteen, sixteen, seventeen and nineteen, with their underclothes to one side who had been raped and killed. A few victims had been tortured."⁷⁸

Uvira residents reported the "disappearance" of many young men who were detained in safe houses in the luxurious Quartier des Biens Mal Acquis neighborhood that rebel commanders and their men expropriated for their private use after the eviction of many owners and tenants. One particular residence of an RCD commander was dubbed the "slaughterhouse" by Uvira residents because of the torture and killings which reportedly took place behind its walls.⁷⁹ Following many complaints from the population, the killings and looting by RCD forces in Uvira subsided for about two months, reportedly after the replacement of the military commander of the town in mid-October.

However, this more positive trend seems to have been shattered with reports of a massacre in and around the village of Makobola, approximately fifteen kilometers south of Uvira. Over the New Year period, hundreds of civilians in this area were killed by RCD forces and their backers.⁸⁰ Among those killed were volunteer Red Cross workers, and Catholic and Protestant priests with members of their families.⁸¹ The massacre was reportedly in reprisal for rebel losses in confrontations the previous day with Mai-Mai. Following initial pledges to investigate the incident, members of the RCD leadership issued stern denials that civilians were killed at Makobola.⁸² As was the case following the Kasika massacre, this again put in question the Rally's stated commitment to uphold the rule of law, respect human rights, and to protect civilians in areas it controls.

The various militia in eastern Congo that are fighting the RCD and its allies also committed abuses against the civilian population. It was unclear to what extent these forces were coordinated or even if they were fighting on behalf of the Congolese government. Residents of eastern Congo claimed that Interahamwe and Mai-Mai militia demanded

⁷⁵One investigator of a Congolese NGO who had interviewed survivors and visited the sites where killings took place stated that the total number of dead was sixty-six.

⁷⁶Human Rights Watch interview, Bujumbura, December 11, 1998.

⁷⁷Human Rights Watch interview with NGO, Bukavu, December 11, 1998.

⁷⁸Human Rights Watch interview with Congolese from Uvira, Bujumbura, December 12, 1998.

⁷⁹Ibid.

⁸⁰"500 Civilians Reportedly Massacred by Rebels in DR Congo," Agence France Presse, January 5, 1999.

⁸¹Report from nongovernmental organization from Uvira, January 2, 1999.

⁸²Jude Webber, "Rebels Deny Congo New Year Massacre of 500," Reuters, January 5, 1999.

food, supplies, and monetary support from civilian populations. Since unarmed villagers had little choice but to accept the militia and their demands, their presence put the residents in direct danger of reprisal attacks by RCD forces. The militia were also responsible for attacks on civilian vehicles, including seventeen alone during the month of October on the Goma-Rutshuru road.⁸³ At roadblocks set up throughout eastern Congo, Mai-Mai and Interahamwe demanded fees from travelers and merchants.

In addition to hit-and-run attacks on RCD forces in the east, militia would occasionally attack and temporarily hold villages or larger urban centers. The most significant of these incidents was the September 14 attack on Goma by militia, described by the local population as Mai-Mai and/or Interahamwe. During their brief control of Goma, they killed a number of civilians, including a group of twelve Tutsi who had sought refuge at Ndosho orphanage. The twelve had fled killings of Tutsi in Kisangani. Among the dead were four children and one infant.⁸⁴ As was frequently the case, attacks such as these led to reprisals against civilians when the RCD forces recaptured towns. Several examples of such reprisals are described below.

Other armed groups, including forces of the Sudanese People's Liberation Army (SPLA) operating in the Congo, which intervened presumably on the side of the RCD, also committed abuses against civilian populations in eastern Congo. In early October, some 17,000 Sudanese refugees were chased back to Yambio in southern Sudan, following attacks on their settlements in the Dungu area of northeastern Congo by SPLA troops. In a statement issued on October 8, the UNHCR complained that SPLA soldiers ransacked its offices in Dungu and Doruma and stole its vehicles and communication equipment.⁸⁵ Other humanitarian sources and local monitoring groups also reported wide scale looting by SPLA soldiers of vehicles, dispensaries, and food supplies in the area during September, and their forcible recruitment of refugees. The looting also caused many civilians to abandon their homes and fields.⁸⁶

Arbitrary Arrests, Illegal Detentions, and "Disappearances"

The RCD military and the Rwandan, Burundian, and Ugandan forces supporting them have been responsible for a pattern of arbitrary arrests, illegal detentions, and "disappearances."⁸⁷ The rate of these abuses varied over time and differed between provinces in the east. Arbitrary arrests, illegal detentions, and "disappearances" in North Kivu have decreased significantly since August and September, apparently due to efforts by the RCD military and civilian authorities to respond to cases raised by lawyers and human rights defenders.⁸⁸ In Goma, several NGOs stated that regional pacification committees, originally set up under Kabila, had also been used by the RCD to help resolve conflicts and cases of arbitrary arrest and illegal detention. While these violations continue, the efforts by RCD authorities to eliminate illegal detention centers and reduce arbitrary arrests and "disappearances" have increased the generally low levels of public confidence in the RCD administration in North Kivu.

⁸³Human Rights Watch interview with traders in Goma market, December 4, 1998.

⁸⁴"Bimonthly Report: Human Rights Violations Committed in Congo between August and September 1998," Department of Justice and Human Rights, RCD, Goma, September, 1998.

⁸⁵"UNHCR expresses concern over forced returns to Sudan," UNHCR Press Release, October 8, 1998, Geneva.

⁸⁶Human Rights Watch interview, humanitarian NGO, Nairobi, November 25, 1998.

⁸⁷On December 18, 1992, in resolution 47/133, the United Nations General Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance which states that enforced disappearances occur when "persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, thereby placing such persons outside the protection of the law." The governments of Rwanda, Uganda, and Burundi, are subject to this declaration. While the RCD is not recognized as a government, it has publicly adhered to the international bill of human rights and claimed responsibility for protecting human rights in territory under its control.

⁸⁸Human Rights Watch interviews, Kigali, November 19, 1998 and Goma, December 1, 1998.

In South Kivu, however, these types of violations continued at an elevated rate into December, highlighted by a wave of arrests and intimidation of academics, NGO leaders, and other members of civil society in late November and early December. RCD authorities and their military allies frequently accused those arrested of being collaborators with Mai-Mai, Interahamwe, or of being distributors of hate propaganda. These arrests contributed to the unpopularity of RCD authorities and to public indignation regarding the presence of Rwandan, Burundian, and Ugandan military forces, as well as to a resentment of ethnic Tutsi in general.

Human Rights Watch interviewed present and former detainees and prisoners of war (POWs) in the east, including some who had been held in illegal detention centers. Some arbitrary arrests and illegal detentions were accompanied by killings, torture, and inhumane treatment by RCD and allied forces. Human Rights Watch interviewed survivors from a group of approximately forty-eight young men and one young woman, most of whom were arrested by RCD military on September 14 in Goma in the wake of the Mai-Mai attack on the town. The forty-nine detainees were held by the military in a shipping container at Goma International Airport without food, water, or ventilation. The shipping container, typical of many used as detention centers in the east, measured approximately six feet by six feet by fifteen feet with no windows or light. By September 16, twenty-seven of the detainees had died of suffocation. Three of the survivors, who had helped with removal of the bodies, had scars on their backs which corresponded with their testimony that the military had cut them with knives and beat them during their arrest.⁸⁹

During a site visit by Human Rights Watch to a container at Goma International Airport, an RCD military commander confirmed that he had used shipping containers there until mid- to late-November as holding places for civilians arrested by RCD military and their allies. The commander stated that the containers, empty upon inspection by Human Rights Watch, were presently used only for short-term detentions and that he now transferred prisoners to the appropriate civilian or military authorities in Goma.⁹⁰

Other containers and private residences throughout the east are reportedly still in use as detention centers, especially for those suspected of collaboration with Interahamwe or Mai-Mai. One young man arrested near Goma in early October by Kinyarwanda-speaking members of the RCD military told Human Rights Watch he was held for two days without food or water in a container located in a quarry just north of Goma. He said four of the approximately fifteen others held with him died from dehydration, exhaustion, and a lack of medical care on the second day of his detention. Many of the detainees, including those that died, were from the Monigi village on the northern outskirts of Goma, a predominantly Hutu area suspected of supporting Interahamwe. The young man was subsequently transferred to a private residence in Goma, known as the house of Mr. Hakazimana, where he was held for approximately two months. He said the approximately ten detainees who were held in this residence were beaten four times a day, fed every other day, and forced to use a hole in the floor of their holding room for a toilet. According to the young man, some of the detainees were transferred to Rwanda. After almost two months in detention, the young man was transferred to the jail of the RCD army known as "Bureau two" where he was interrogated by a judicial police officer and accused of being Interahamwe. The young man was released without explanation in early December. One of his arms, still in a bandage when interviewed by Human Rights Watch on December 6, was partially paralyzed from being tied for extended periods of time during his detention.⁹¹

Other illegal detention centers in the east were reportedly located at the homes of Rwandan and Congolese military commanders in cities throughout the east, including Uvira, Bukavu, and Goma. One such center was located at the residence of an RCD officer in Goma known locally as commander "Celestin,"⁹² who was reportedly a member

⁸⁹Human Rights Watch interview with survivors, Goma, December 11, 1998.

⁹⁰Site visit to Goma International Airport by Human Rights Watch, December 5, 1998.

⁹¹During an interview with Human Rights Watch in Goma on December 6, the subject was unable to use his arm.

⁹²Many RCD commanders, including those from the Rwandan and Ugandan militaries, often used first names only and sometimes changed their names or altered them to "Congolese-sounding" names. Many did not wear uniforms. These practices,

of the Rwandan army. One former detainee at this residence described how he and other detainees were beaten and tortured in Commander Celestin's custody and, upon their release, threatened with death if they spoke about their experience.⁹³ An RCD military commander confirmed that the location had been used for detentions up until late November.⁹⁴ One room previously used for detentions was being cleaned during the Human Rights Watch visit. Commander Celestin had reportedly been transferred to Rwanda following protests from lawyers and human rights defenders about the detentions and inhumane treatment at his residence. Human Rights Watch received numerous other reports of detention centers still in use at private residences commandeered by RCD military in North and South Kivu. One woman interviewed by Human Rights Watch claimed that her husband was being held in the residence of a Rwandan commander in Goma known locally as commander "Ngoyi."⁹⁵ When asked why her husband was arrested, she claimed that "if you're Hutu, you're Interahamwe; if you're Hunde, you're Mai-Mai. There is no other motivation." Many Congolese in the east felt that the RCD and their predominantly Tutsi military allies were arresting Congolese based on their ethnicity alone.

Many individuals arrested by the RCD military were never acknowledged to be in detention, they "disappeared" and remain unaccounted for. One such incident occurred in late November when nine men were abducted by troops during a service at the Neo-Apostolic church in the village of Monigi. Witnesses including the wives of the "disappeared" claimed that the men had been abducted by Rwandan forces and that the nine had been taken to Rwanda.⁹⁶ Witnesses recognized one of the soldiers that had grown up in Monigi and later joined the Rwandan army. As of mid-December, RCD authorities had not provided information on the whereabouts of the nine. Many human rights reports received by Human Rights Watch claimed that people abducted were transferred to Rwanda, with some sources claiming prisoners were sent to a detention center at Rugerero in Gisenyi prefecture. One high-ranking RCD official confirmed that individuals arrested in eastern Congo were at times transferred to Rwanda.⁹⁷ Other reports claimed that arrests followed by "disappearances" were frequently carried out by members of the RPA's own troops in the Congo. Numerous witnesses cited commander "Gapari" in Goma and commanders "Pascal" and "Ilias" in Bukavu, all reportedly members of the RPA, as being responsible for many incidents of arbitrary arrest, illegal detention, including at their own residences, and ill-treatment in Goma and Bukavu.

Harassment of Human Rights Defenders

Despite few guarantees for their security, members of civil society and human rights defenders in eastern Congo attempted to continue their efforts to protect and promote human rights. Working conditions ranged from province to province: most NGOs in North Kivu and Kisangani were able to operate openly and discuss human rights concerns with RCD military and civilian authorities, while in South Kivu, NGOs worked under significant pressure, some in clandestinity.

After the outbreak of war in August, several members of NGOs fled the east following threats, harassment of their organizations, or visits to their homes by RCD military. The RCD encouraged the members of several NGOs to join the RCD and harassed them when they refused.⁹⁸ As was the case under the Kabila administration, members of NGOs which had reported on killings of Burundian and Rwandan refugees in 1996 and 1997 were at particular risk, due to

similar to those used by Rwandan forces in Congo during the 1996-1997 war, complicated the identification of these officers.

⁹³Human Rights Watch interview with former detainee, Nairobi, November 28, 1998.

⁹⁴Site visit by Human Rights Watch, Goma, December 5, 1998.

⁹⁵Human Rights Watch interview, December 11, 1998. "Ngoyi," a Congolese name, was reportedly one of the many officers of the Rwandan Patriotic Army fighting in Congo who had assumed Congolese names to hide their identity.

⁹⁶Human Rights Watch interview with lawyer of the wives of the nine victims, Goma, December 5, 1998. One of the military involved in the abduction was a Congolese from Monigi who had joined the RPA.

⁹⁷Human Rights Watch interview, Goma, December 1, 1998.

⁹⁸Human Rights Watch interviews with human rights NGOs in Goma and Bukavu, December 4 and December 7, 1998.

the continued presence of the Rwandan military, who were implicated in the massacres.⁹⁹ People who signed public documents discussing the war, political situation, or human rights were also at risk. Many NGOs were hesitant to document and protest human rights abuses and instead limited their work to the promotion of peace or educational activities, areas considered less sensitive to the authorities.¹⁰⁰

Several university professors and members of NGOs in Bukavu, such as the Groupe Jeremie, the Collective of Youth Organizations of South Kivu (COJESKI), and the Coordination Office of the Civil Society were arrested during a wave of arrests in late November and early December. RCD authorities, including the governor and RCD coordinator of South Kivu, accused various institutions of civil society of being responsible for disseminating anti-Tutsi hate speech and collaborating with Mai-Mai militia.¹⁰¹ In particular, the governor denounced a document entitled "Plan for Peace" developed by the Coordination Office of the Civil Society of South Kivu.¹⁰² The peace plan, addressed to the RCD, the Congolese government, the United Nations, and others, analyzed the human rights, humanitarian, political, and security situation in the east and called for an end to the conflict. Several individuals who signed this document were arrested or summoned for repeated interrogations by the RCD authorities; others fled or went into hiding due to threats from RCD military.

Abuses Against Women

Women accused of supporting Mai-Mai or Interahamwe militia have been subjected to arbitrary arrest and torture, including rape. On September 16 in Goma, RCD military arrested one woman they suspected of hiding Mai-Mai. The woman was held for three days in a pit near the northern end of Goma known as "Jolis Bois" where she was repeatedly beaten and forced to eat mud. Two months later, she still suffered from back injuries resulting from her beating.

Human Rights Watch also received reports of rape by RCD military during cordon and search operations in late August in the Bagira and Kadutu residential areas of Bukavu. Young women were targeted for rape again in the Chimpunda area of Bukavu in mid September by military reportedly looking for arms or militia. One NGO that had interviewed women in the Kalehe area of South Kivu stated that women were beaten or raped by RCD military looking for Mai-Mai or Interahamwe in the countryside.¹⁰³ Human Rights Watch received information from Kisangani indicating that rape, and other forms of sexual abuse of women by soldiers, was a growing problem there as well,

⁹⁹This pressure on rights activists increased dramatically following an incident, in early April 1998, in which the Congolese government arrested an investigator from the U.N. Secretary-General's Investigative Team (UNSGIT) in Goma and expelled him to Kinshasa, where government officials seized and photocopied sensitive documents, including names of informants and their signatures on their testimonies about the massacres. In the following weeks, the National Intelligence Agency (Agence nationale de renseignements, ANR) questioned leading activists in Goma about their contacts with the United Nations Secretary General's Investigative Team (UNSGIT) and asked them to submit copies of their monitoring reports and lists of their projects, and names of their international partners and funding agencies. Monitoring groups were particularly targeted, forcing at least a dozen prominent rights defenders from north and south Kivu into exile, some of them after going through horrendous ordeals of arbitrary detention and repeated torture. One member of the Grande Vision for Human Rights NGO in Goma, Gallican Ntirivamunda, was arrested and accused of cooperating with the U.N. investigation. Ntirivamunda was held for several months and repeatedly tortured. He remained in detention under the rebel RCD administration, reportedly at the military lockup known as "Bureau two" in Goma, accused of being a collaborator with Interahamwe. During a Human Rights watch site visit to Bureau two, RCD military commander Sylvain Mbuchi stated that Ntirivamunda had "gone missing" on November 17 during a military operation which attempted to use him to trap Interahamwe.

¹⁰⁰Human Rights Watch interview with local NGOs, Goma, December 2, 1998.

¹⁰¹Human Rights Watch interviews, Bukavu, December 8 and December 10, 1998.

¹⁰²Human Rights Watch interview with the governor of South Kivu, Bukavu, December 7, 1998. He referred to the November 14, 1998 "Plan de Paix" a twelve-page document signed by eight members of the Coordination Office of the Civil Society of South Kivu.

¹⁰³Human Rights watch interview with women's development and human rights NGO, Panzi, December 10, 1998.

leading local activists and other observers to express concern about the possible spread of AIDS as a long term consequence of this war.¹⁰⁴

Recruitment of Child Soldiers

The rebel army reenlisted about a hundred demobilized child soldiers in early August from a transit center in Bukavu, and another 500 upon taking Kisangani in late August. The transit centers were part of an experimental program which UNICEF ran for former child soldiers in cooperation with the Congolese authorities. The former child soldiers learned technical skills and followed classes in the centers, prior to their reunification with their families. "The rebels went in and recruited the children who were there," a spokesperson for UNICEF complained.¹⁰⁵ The RCD continued to recruit children for combat as recently as December 1998. Human Rights Watch interviewed several boys from a group of new recruits from Bunia and Kisangani that varied in age from fifteen to seventeen. In Bukavu, RCD military had abducted or threatened to abduct children, apparently for use in the army, from several local organizations working with unaccompanied minors.¹⁰⁶ While many other boys were among this group of recruits, the actual number of children recruited into RCD forces is unknown.

As noted, although international law currently prohibits the use of soldiers under the age of fifteen, Human Rights Watch supports the principle of an optional protocol to the Convention on the Rights of the Child that would raise the minimum legal age for soldiers to eighteen.

V. INTERNATIONAL RESPONSE

The Southern Africa Development Community, the Organization of African Unity, the European Union, and the United Nations

Since shortly after the outbreak of hostilities in August, the Southern Africa Development Community (SADC) has played a leading role in a succession of regional summits that attempted to mediate a peaceful solution to the conflict in the DRC. Human rights concerns did not figure prominently in these summits, nor were they incorporated into the plan which emerged from the process as a basis for ending the conflict. The failure to incorporate rights issues into the negotiating process and assure that political and military leaders would be held responsible for abuses during the conflict raised concerns that negotiations may serve as a way of avoiding accountability and foster the culture of impunity in central Africa. While the European Union threatened to cut off aid to states involved in the conflict if a negotiated solution could not be found, the respect of human rights by the armies of E.U. aid recipients was not specifically mentioned as a condition to avoid a suspension of aid.

SADC's peace initiative was seriously compromised from the onset by the internal rift within SADC between Zimbabwe, Angola, and Namibia, which intervened militarily on behalf of the Congolese government, and South Africa, SADC's chair, which has persistently pushed for a political settlement. South Africa initially opposed the military intervention by SADC members in Congolese affairs, but later accepted it as legitimate.¹⁰⁷ The armed conflict has shattered the regional alliance that backed President Kabila's own rebellion less than two years ago and now pits Angola and Zimbabwe against their former allies Rwanda and Uganda, who back the rebels.

Successive rounds of regional talks broke down, mainly due to president Kabila's adamant refusal to negotiate face to face with the rebel Congolese Rally for Democracy. Another major hurdle in the negotiations was the persistent denial of Rwanda, until early November, of its direct involvement in the conflict. Rwanda and Uganda

¹⁰⁴Human Rights Watch telephone interview to Brussels, New York, December 14, 1998.

¹⁰⁵"UNICEF condemns recruitment of DRC children by rebels, government," AFP, Geneva, August 14, 1998.

¹⁰⁶Human Rights Watch interview with humanitarian NGO, Bukavu, December 8, 1998.

¹⁰⁷"Congo military intervention is justified - Mandela," Reuters, September 3, 1998.

backed the rebels' demand to be present in any peace negotiations, short of which, the Rally threatened, it will not be bound by any cease-fire deal. The SADC meetings were coordinated by a regional heads of state committee chaired by Zambia and supported by the Organization of African Unity (O.A.U.) and the United Nations (U.N.). Both the O.A.U. and the U.N., as well as other leading members of the international community, initially took back seats in the search for peace, leaving the lead to SADC's committee.

The role of the Organization of African Unity in the search for peace also failed to resolve the conflict. France, the O.A.U., and the U.N. attempted to arrange a "pre-cess-fire agreement" between the key players in the conflict in Paris in late November, during the 20th Franco-African Summit. An expected formal agreement again failed to materialize in a summit of the O.A.U.'s Mechanism for Conflict Prevention, Management, and Resolution held in Ouagadougou on December 17. The meeting, which was to last two days, adjourned after twelve hours, exposing a lack of direction and effectiveness in O.A.U.'s mediation efforts.

On August 31, the U.N. Security Council issued a presidential statement that expressed alarm at the plight of the civilian population throughout the country and urged all parties to respect and protect human rights and respect humanitarian law. The statement also called for a cease-fire, the withdrawal of foreign forces, and the engagement of a political dialogue to end the war in the Congo. In another statement issued on December 11, the council reiterated its call for a peaceful solution to the conflict in the Congo, and said it would consider "the active engagement of the United Nations" to assist in implementing an effective cease-fire there, as well as a political settlement. The council also condemned violations of human rights and humanitarian law and pressed for unhindered humanitarian access to those displaced by the war.

The collapse of the close alliance between Rwanda and Congo appeared to have encouraged the latter to revise its relationship with the United Nations. On January 11, Leonard Okitundu, the DRC's minister for human rights, extended a written invitation to the U.N. special rapporteur on human rights in Congo, Roberto Garretón, to return to the country, and promised that the rapporteur "will be able to work freely and transparently" to investigate human rights conditions in the country. Garretón subsequently planned a mission to Congo for February 16-23, 1999. Appointed under a 1994 resolution of the Commission on Human Rights, Garretón was effectively barred from entering the country in 1997 following stinging reports he issued about human rights conditions under President Kabila, including massacres of Hutu refugees during the 1996-1997 war which brought Kabila to power. Okitundu also stated that the government planned to establish a national commission of inquiry into the massacres, and reiterated his country's readiness to cooperate with a renewed U.N. probe of the massacres, a promise repeatedly made by DRC officials since the start of hostilities with Rwanda, reflecting a clear reversal in their position. Up until August 1998, Kabila's government had consistently blocked attempts by the United Nations to carry out a complete investigation of these massacres. A previous Human Rights Watch investigation found that Rwandan forces were responsible for the majority of the massacres of Hutu refugees during the 1996-1997 war. The Congolese government has yet to show that it is willing to investigate and hold accountable its own soldiers who may have participated in these and other abuses. The failure to date of the international community to do so and punish those found responsible has contributed to the growing culture of impunity in the region.

The European Union

The E.U. repeatedly expressed concern about the Congo crisis, including a rhetorical commitment to human rights, but neither its statements nor the missions conducted by its special envoy had any discernible impact. However, E.U. representatives have taken an increasingly public stance threatening to link E.U. aid programs to the ongoing Congo crisis. In September, Jacques Santer, president of the European Commission, stated that the European Union should revise its assistance programs to ensure that no aid was being used to further the conflict.¹⁰⁸ In November, during President Kabila's visit to Brussels, E.U. Development Commissioner Joao de Deus Pinheiro referred to

¹⁰⁸"L'aide de l'UE devrait être refusée aux belligérents, selon Jacques Santer," Agence France-Presse, September 6, 1998.

Congo's human rights obligations under article 5 of the Lome Convention and made it clear that the resumption of E.U. development assistance to Congo would depend on preconditions including the establishment of the rule of law and a process of democratization.¹⁰⁹

A stronger line more directly threatening E.U. aid to countries involved in the Congo crisis was taken in December with an E.U. statement issued at the Paris Club consultative group meeting in Kampala: "If no political solution is aggressively pursued, the E.U. might find it increasingly difficult to continue its present level of budgetary assistance to countries involved in the conflict, should they persist on the military option." The statement went on to call for an immediate cease-fire and the beginning of a process leading to the withdrawal of all foreign troops. Ugandan involvement in Congo was also singled out by the E.U. statement, which acknowledged Uganda's legitimate security concerns along its border with Congo but continued: "it is doubtful that the current level of military presence and activity up to 700 kilometers away from the Ugandan border solely serves that purpose."¹¹⁰

The United States

Although the U.S. has repeatedly called for a cease-fire and the withdrawal of all foreign forces, U.S. officials have missed many opportunities to raise concerns about human rights violations by all parties to the conflict and to exert pressure on those parties to abide by international human rights standards. The early reluctance of the U.S. to publicly criticize reported abuses by the RCD forces and the armed forces of the allied Rwandan and Ugandan governments fueled a widespread perception that its policy is skewed in favor of those parties, especially since it is toward those forces that the U.S. has the most immediate forms of leverage and influence. Unfortunately, even the U.S. delegation led by Assistant Secretary of State for African Affairs Susan Rice that visited the region in late October-early November 1998 failed to transmit a clear and public message about the need for all parties to respect fundamental human rights and for those responsible for abuses to be held accountable.

On the Congolese government side, U.S. policy has been considerably more forceful. Condemnation of the round-up and killing of ethnic Tutsis, the use of hate radio, and the potential for a new round of genocide have figured prominently in U.S. statements, as have calls for the Kabila government to institute an inclusive and participatory transition to democracy. More recently, the U.S. has also stressed its concern about reports that elements of the ex-FAR and Interahamwe are being recruited by Kabila, condemning "any collaboration or cooperation with these individuals or the genocidal policies they espouse."¹¹¹

Regarding the rebel forces, however, U.S. statements have been limited to general admonishments to respect human rights and the safety of humanitarian workers. Throughout 1998, no specific mention was made about reports of massacres and summary and arbitrary executions, such as the Kasika massacre, or of the rebel practices of arbitrary arrests, illegal detentions, and "disappearances" or killings of those suspected of opposing their policies. On January 7, 1999, however, the State Department issued a statement raising concerns about press reports of a massacre of civilians by RCD forces between December 30 and January 1—obviously referring to the Makabola massacre, but not naming this locality—and urging the rebels to allow access to the site by independent investigators.

The confused messages being sent by the Clinton administration were particularly muddled in mid-October, when the U.S. went forward with an International Military Education and Training (IMET) program for the Rwandan military, even though the other African countries scheduled to participate had pulled out. Although the program's reported content was not controversial, focusing on military administration, the U.S. decision to continue military

¹⁰⁹Agence Europe, "E.U./Congo: Mr. Pinheiro specifies conditions under which E.U. could resume cooperation and financial support to Congo," Brussels, November 27, 1998.

¹¹⁰"E.U. warns of aid cutoff to countries with troops in DR Congo," Agence France-Presse, December 9, 1998.

¹¹¹"United States Concerned about Rwandan Refugee Movements," Statement by James Rubin, Spokesman, U.S. Department of State, November 13, 1998.

training for one of the parties to the Congo conflict which has been accused of involvement in atrocities against civilians only serves to reduce credibility for U.S. policy.

In its overriding concern about genocide in the region, the U.S. administration frequently lost opportunities to condemn other instances of crimes against humanity. As Ambassador at large for War Crimes Issues David Scheffer acknowledged in a December 10 address, "[h]istory ...teaches us that we have to be prepared to respond to situations of widespread or systematic killing, rape or other abuses—and that those deserve the same moral condemnation, criminal prosecution, and efforts to prevent and punish that we give to the crime of genocide. Crimes against humanity can occur—and have occurred—in situations where the specific requirements of genocide have not been met. We must not underestimate their significance."¹¹² This recognition of the broader problem of crimes against humanity in the region has not been given sufficient attention by U.S. policy makers.

Beyond the current political considerations, U.S. assistance to the Congo remains subject to legislative constraints, primarily the Brooke amendment and the Faircloth amendment.¹¹³ Under the State Department's Office of Transition Initiatives, however, in December 1998 the U.S. re-opened two of three regional offices (Kananga and Lubumbashi; Bukavu in the east remains closed) that had been effectively closed since the start of the crisis in early August. The stated purpose of the regional offices has been revised, toward the support of civil society and support for the creation of conditions that would make a viable transition to democracy possible.

¹¹²Ambassador David J. Scheffer Delivers Remarks on Genocide Recognition and Prevention at Genocide Convention at the Holocaust Museum, Washington D.C., December 10, 1998.

¹¹³The Brooke amendment prohibits U.S. assistance to countries in arrears on their debt. Section 575 of the 1999 appropriations bill, known as the Faircloth amendment, states that no funds can be provided to the central government of Congo until the President reports to Congress that the central government is: 1) investigating and prosecuting those responsible for human rights abuses in Congo and 2) implementing a credible democratic transition. Assistance can be provided to promote democracy and the rule of law as part of a transition program.

ACKNOWLEDGMENTS

This report, based on findings from a November and December 1998 mission to Congo and states in the region, was written by Scott Campbell, consultant to the Africa division of Human Rights Watch, and Suliman Ali Baldo, senior researcher in the Africa division. The report was edited by Alison DesForges, consultant to the Africa division of Human Rights Watch, Janet Fleischman, Washington director of the Africa division, Wilder Taylor, general counsel, and Michael McClintock, deputy program director. Production assistance was provided by Zachary Freeman, associate for the Africa division, Patrick Minges, publications director, and Fitzroy Hepkins, mail manager.

Human Rights Watch Africa Division

Human Rights Watch is dedicated to protecting the human rights of people around the world.

We stand with victims and activists to bring offenders to justice, to prevent discrimination, to uphold political freedom and to protect people from inhumane conduct in wartime.

We investigate and expose human rights violations and hold abusers accountable.

We challenge governments and those holding power to end abusive practices and respect international human rights law.

We enlist the public and the international community to support the cause of human rights for all.

The staff includes Kenneth Roth, executive director; Michele Alexander, development director; Reed Brody, advocacy director; Carroll Bogert, communications director; Cynthia Brown, program director; Barbara Guglielmo, finance and administration director; Jeri Laber, special advisor; Lotte Leicht, Brussels office director; Patrick Minges, publications director; Susan Osnos, associate director; Jemera Rone, counsel; Wilder Taylor, general counsel; and Joanna Weschler, United Nations representative. Jonathan Fanton is the chair of the board. Robert L. Bernstein is the founding chair.

Its Africa division was established in 1988 to monitor and promote the observance of internationally recognized human rights in sub-Saharan Africa. Peter Takirambudde is the executive director; Janet Fleischman is the Washington director; Suliman Ali Baldo is the senior researcher; Alex Vines is the research associate; Bronwen Manby and Binaifer Nowrojee are counsels; Zachary Freeman and Juliet Wilson are associates; Alison DesForges is a consultant; and Peter Bouckaert is the Orville Schell Fellow. William Carmichael is the chair of the advisory committee.

Web Site Address: <http://www.hrw.org>

Listserv address: To subscribe to the list, send an e-mail message to majordomo@igc.apc.org with "subscribe hrw-news" in the body of the message (leave the subject line blank).

**Contribute to Human Rights
Watch**

[HOME](#) | [SITEMAP](#) | [SEARCH](#) | [CONTACT](#) | [REPORTS](#) | [PRESS ARCHIVES](#)

[Sudan in Human Rights Watch World Report 2001:](#)

FREE [Join the HRW Mailing List](#)

**HRW Background Paper on Slavery and Slavery Redemption in the Sudan
*March 1999***

Human Rights Watch has long denounced the contemporary form of slavery practiced in Sudan in the context of the fifteen-year civil war. This practice is conducted almost entirely by government-backed and armed militia of the Baggara tribe in western Sudan, and it is directed mostly at the civilian Dinka population of the southern region of Bahr El Ghazal. The government's purpose in arming this tribal militia, known as murahleen, seems to be to conduct a cost-reduced counterinsurgency war against the Sudan People's Liberation Movement/Army (SPLM/A), which is identified with the Dinka tribe of southern Sudan. Thus the tribal militia, often operating with government troops and usually transported into Bahr El Ghazal by military train, raids with impunity civilian Dinka villages, looting cattle and food as well as abducting women and children for use as domestic slaves and sometimes as "wives" or concubines. The abductees are considered war booty, although the murahleen diligently avoid any attacks on military targets and do not attack villages where the SPLA might be present. Their purpose is to abduct and loot, not to risk themselves in combat. Their "war" effort is directed exclusively towards civilians, which is a gross violation of international humanitarian law.

Related Material

[Human Rights Causes of the
Famine in Sudan
Focus on Human Rights](#)

In its reports *Children of Sudan: Slaves, Street Children and Child Soldiers* (1995) and *Behind the Red Line* (1996) as well as in its forthcoming report *Famine in Sudan, 1998: the Human Rights Causes*, Human Rights Watch describes the practice of slavery and provides testimonies of its victims. The abducted children and women often lead lives of extreme deprivation and cruelty at the hands of their masters. Many are physically and sexually abused, and forced to live at a standard well below that of their captors (sleeping on the floor, minimum food, no chance for education). Beatings for "disobedience" are common. They are denied their ethnic heritage, language, religion, and identity as they are cut off from their families and are held by Arabic-speaking captors, most of whom rename the abductees with Arabic names and some of whom coerce the children and women into adopting Islam. Those who force these changes on their captives often are convinced that they are doing a favor for the captives; they regard the Dinka culture as inferior and believe that the abductees are fortunate to have been incorporated into a superior culture. This notion of beneficial side effects to the practice of war booty or slavery is a self-serving sop to the conscience of those who engage in abductions or reap the benefits of this practice, particularly where the incorporating family is childless and treats the children kindly – a rare event in any case. It also makes it imperative for the government to engage in an educational campaign of toleration for diversity.

Human Rights Watch has called on the government of Sudan to take firm measures to stamp out this practice and prosecute those responsible for it, including law enforcement officers who fail to assist the victims and their families who are searching for them. The victims' families have consistently complained that the local government officials, including police, have rarely helped them when they have traveled to western Sudan in an attempt to locate and free their abducted children. Thus the government of Sudan is guilty not only of knowingly arming, transporting and assisting the slave-raiding militia, it also is guilty of not enforcing its own laws against kidnaping, assault, and forced labor. There is no prohibition in the Sudan Criminal Code of 1991 against slavery, however.

The government of Sudan, until recently, has stonewalled on the issue of slavery, claiming it was a matter of rival tribes engaging in hostage-taking, over which they had little control. That is simply untrue, as myriad reports coming out of southern Sudan have made abundantly clear. Recently, on the eve of the arrival in Sudan of the U.N.'s Special Rapporteur on human rights in Sudan, the government announced that it will prosecute slavers and urged the population to report cases of slavery. This is a small but positive move in the right direction. Whether the announcement will be followed up with concrete action is uncertain, since the Sudan government has a long history of press releases promising changes that are forgotten by the next news cycle. What is required is a proactive government campaign to stamp out this practice, and effective assistance to the families in locating and freeing (without compensation to the masters) their abducted relatives. Human Rights Watch has long urged the government to set up a tracing agency for families

separated during the war, or permit other experienced agencies, such as the International Committee for the Red Cross or UNICEF, to freely conduct tracing and family reunification throughout Sudan. Even if the government of Sudan suddenly began to enforce its criminal laws, that would not address the problem of the people -- possibly numbering in the thousands -- who still live in captivity.

Since 1995, several groups of non-Sudanese Christians have endeavored to assist the Dinka to redeem their abducted children and female relatives. These efforts are in addition to efforts that the Dinka have been taking for many years, including networking to identify Dinka children not living with their families in non-Dinka areas, and a variety of other methods designed to free the identified children and women without attracting the attention of the obstructionist local authorities. The families, through middlemen or directly, have long been paying the masters to secure the freedom of abducted relatives -- when they could locate the abductees. At times, committees consisting of Dinka chiefs and elders have made formal approaches to Baggara chiefs, appealing to them to free the abductees or to assist the chiefs in locating them. Some of these efforts have borne fruit, and some have not. There are those among the Baggara and local officials (usually from the Dinka or Nuba tribes) who cooperate with the families when asked. They are not in the majority, however. As a result, these self-help measures have been excruciatingly piecemeal.

Without doubt, the families of the abductees and their chiefs welcome the assistance they receive from outside groups to redeem the slaves. They put the welfare of the individual children and women first, regardless of larger policy considerations raised by concerned agencies and individuals. This is entirely understandable: those relatives and chiefs whom Human Rights Watch has interviewed have stressed that this outside assistance enables them to free larger numbers of slaves than they were able to do on a piecemeal basis before.

The danger of continued redemptions is several-fold. Knowledge that there are foreigners (with presumably deep pockets) willing to pay to redeem slaves can only spur on unscrupulous individuals to make a business out of redemption. When the practice started in the mid-1980s, it seemed that the primary motivation of the raiders (in addition to weakening the Dinka population) was to acquire cattle, with slavery as a secondary consideration. The availability of foreign funds poses the risk that those who already conduct the slaving raids on Dinka villages may make abduction the primary motivation, or may abduct children and women for the explicit purpose of gain from the sale or redemption of abductees, even if cattle remain the primary war spoils attraction.

Furthermore, such a monetary incentive for raiding and abduction may work against local agreements between Baggara and Dinka to halt raiding in exchange for access for Baggara cattle to pastures and rivers during the dry season; in past years these local agreements have provided intermittent relief from raiding but are not approved of by the government, which tries to thwart them to preserve raiding as a counterinsurgency tool. Providing the raiders with additional material incentives to raid may well undercut peace efforts.

Finally, there is the risk of fraud in the redemption process. Redemptions are now conducted without reference to lists of missing children and women; the middlemen seem to secure the release of the abductees from their masters without knowing whether there is a family member ready to assume responsibility for the released abductee. This gives rise to the risk of fraud: for instance, unscrupulous middlemen may "borrow" children -- with or without the knowledge of their caretakers -- who have never been abducted, for the purpose of enlarging a group of slaves (and thus increasing the proceeds from the redemption). Thus foreigners intending to do good may be deceived by middlemen. While Human Rights Watch cannot cite a specific instance of this, many have voiced concern about the potential for such fraud in this entirely unregulated environment.

These concerns argue for an effective Sudanese and international program to stop abductions and return abductees to their families. While Human Rights Watch does not condone or condemn the current outside assistance for redemption of slaves, it does urge those concerned, including agencies that have until now not had a role in the process such as the ICRC and UNICEF, to address the humanitarian needs of those who are redeemed and to devise approaches that will forestall fraud. There are increasing numbers of slaves redeemed; in January 1999 alone one transaction involved 1,050 children and women, not all of whom had families waiting to receive them. This is a large number of needy people turned loose in a zone which has not yet recovered from famine. Since UNICEF has included in its categories of children in especially difficult circumstances "former abductees" and "abductees," it can proceed to the creation of a census of all abductees (by name, date of birth, place of birth, ethnic origin, names of family members, and date and place of abduction) by interviewing those in the affected zones. This census would be a valuable tool to assist in the

tracing of abductees and to deter potential fraud.

The focus must remain on the victims, however, which requires stepped-up international action -- not just to end the war but to end slavery in Sudan now. Postponing measures to tackle this problem until the end of the war may mean that thousands more are taken captive while the parties remain militarily and politically stalemated.

TO: H.E THE PRESIDENT

FM: CMI

DT: 1 MAR 99

SUBJ: KIDNAP OF FOREIGN TOURISTS IN BWINDI

SOURCES: PELTIER ANNA

LT BAMUTEGA (Kyantorogo detach Comd)

1. Today 01 Mar 99 between 06:30 hrs and 09:30 hrs a group of armed people numbering between 130 - 150 people attacked Bwindi Tourist Camp at Buhoma.
2. They attacked A, K, Kitandara and community camps as another diversionary group simultaneously launched a deceptive attack on Butogota.
3. The assailants had radios and were armed with assault rifles.
4. They were aged mostly between 18 - 30 years, spoke French and Kinyarwanda included women.
5. The following details have so far been availed:
 - a. It was coordinated shooting and they destroyed the following:

(1) Burnt 05 vehicles;

- (2) Charged 04 guns of the rangers, 03 radio sets and 04 walkie talkies;
- (3) Burnt the tourist site; and
- (4) Burnt 02 motor cycles.

b. There are 02 dead bodies of the assailants left behind and 01 SMG assault rifle after an encounter with Kanyantorogo force of Platoon strength.

c. 01 civilian was injured in the attack.

d. There were foreign tourists of different nationalities at the time of the attack namely:

- (1) Americans;
- (2) French;
- (3) British;
- (4) Swiss;
- (5) Australian;
- (6) Canadian;
- (7) Danes and
- (8) Newzealanders.

e. The tourists were asked to identify themselves by the assailants according to nationality and separated.

f. The French nationals were released.

g. 01 game warden was killed.

h. 14 people were abducted including the pilot of the camp aircraft 02 of whom (white men) have already been confirmed dead leaving 12 people still missing including;

- (1) 05 Americans;
- (2) 03 Britons;
- (3) 01 New Zealand girl;
- (4) 01 Canadian; and
- (5) 01 Australian.
- (6) The pilot of the camp aircraft.

j. The assailants spoke with one of the source (PELTIER ANNA) who is now in White Horse Inn Kabale and she believes they are Interahamwe.

k. She revealed that they got interested in her when they realized she could speak French and sustained a conversation with her as she pleaded for the release of the abductees whom the attackers said they were taking to the mountains.

l. They however gave a message to her in the following words:

"We are not happy with the Americans and the British. They have preferred to support the Tutsi ethnic minority against the ethnic Hutu majority."

m. There was an impression according to this source that they wanted the message communicated to the Embassies concerned but they did not expressly seem keen on publicity.

6. The reaction of the Americans was that they are sending a recce helicopter in the area to look for their abducted nationals.

7. Own force at Kanyantorogo is in pursuit of the assailants who are heading towards DRC.

HtJe

HENRY TUMUKUNDE (psc)

Col

CMI & S

ROUGH! TRANSLATIONS OF NOTES LEFT ON BODIES OF EXECUTED HOSTAGES
AND LETTER SENT WITH RELEASED HOSTAGE; MON 1 MAR 99 IN BWINDI
IMPENETRABLE NATIONAL PARK UGANDA

NOTE 1.

HERE LIES THE ANGLOSAXONS WHO BETRAYED US, FAVOURING THE NILOTICS TO THE DETRIMENT OF THE BANTU CULTIVATORS/FARMERS. IF YOU DO NOT LEARN THESE LESSONS, IT IS BECAUSE YOU DO NOT WANT TO UNDERSTAND. YOU WILL NOW UNDERSTAND BY THE FORCES OF NATURE.

NOTE 2.

THIS IS THE PUNISHMENT OF THE ANGLOSAXONS WHO SOLD US. YOU PROTECT THE MINORITY AND YOU OPPRESS THE MAJORITY.

LETTER.

PEOPLE CANNOT IGNORE OUR PROBLEM. YOU HAVE SUPPORTED THE TUTSI MINORITY IN RWANDA IN OPPRESSING AND MASSACRING THE HUTUS WITHOUT CONSTRAINT. YOU HAVE LOOKED ON AS THEY HAVE KILLED THE BANTUS IN DRC. YOU HAVE ENCOURAGED THIS WITHOUT SHAME. THE NILOTICS CAN NEVER COLONIZE THE WHOLE OF AFRICA. ALL AFRICANS KNOW YOUR IMPERIALIST SECRET WHICH IS ONLY CONCERNED WITH GEOSTRATEGIC INTERESTS IN THE GREAT LAKES. HISTORY WILL DEMAND HOW YOU HAVE CONDUCTED ARUSHA. . . . WHICH IS NOTHING MORE THAN YOUR JUSTIFICATION FOR KILLING BANTUS IN CENTRAL AFRICA. IF HISTORY DOES NOT DEMAND THIS THE BIG MAN (GOD) WILL MAKE YOU PAY. . . WE ARE ADDRESSING THIS TO WESTERNERS ABOVE ALL AMERICANS AND ANGLOSAXONS.

SIGNED: ALIR: THE LIBERATION ARMY OF RWANDA

~~Report~~ on Proceedings of the 156th session of ICAO Council of 10 March 1999, in MONTREAL-CANADA DRC v UGANDA, presented by Mr Hobbs Tujuuy. D/Air Trans CAA-Ug

Proceedings of the Council

In his opening remarks, the Council President Dr. Assad Kotaite referred the Members to the statements of the UN Security Council and UN Secretary General's Press Release on the conflict in the Democratic Republic of Congo. The statements and the press release copies of which are attached did not specifically address the DRC complaints before the ICAO Council, but broadly expressed the concern of the Security Council and Secretary General on the nature and gravity of the conflict in DRC. Also expressed in the statements is the Security Council's appreciation and support for the regional organisations such as OAU, SADC, etc. whose initiatives are seeking lasting solution in DRC.

After his remarks, the President called upon the Delegates of DRC, Uganda and Rwanda respectively to present their positions. In his presentation, the DRC Delegate repeated complaints against Rwanda and Uganda, which the President had already communicated to the respective Governments. The Rwandan Delegate gave an elaborate background in which like Uganda, Rwanda argues that the conflict in DRC is complex and much wider than the aviation issues raised by DRC against Uganda and Rwanda. The statement further argues that the conflict requires an all-encompassing solution, that addresses the concerns of all parties. Copies of the Rwanda and DRC statements will be sent to all Contracting States along with the official version of General Declaration made by the Council.

Following the three presentations the President invited interventions from the Council Members. All the nine (9) members who spoke viz: Cameroon, Senegal, Kenya, Nigeria, Spain, France, Colombia, Algeria and Argentina expressed their deep concern on the continued loss of innocent lives in the Great Lakes Region.

Like the Delegates of Uganda and Rwanda, the Council Members observed that the situation in the DRC is complex and needs a comprehensive approach/solution that addresses the concerns of all parties involved. Members further noted that the complaints raised by DRC against Uganda and Rwanda cannot be verified.

Due to the complex nature of the conflict and the inability to verify the DRC complaints, the Council decided to adopt a General Declaration urging all ICAO Member States to adhere to the principles, rules, Standards and Recommended Practices laid down in the Convention on International Civil Aviation and Annexes thereof in exercising their authority. A copy of the draft Declaration is attached hereto.

Conclusion:

The issue was thus concluded and rested.

Lastly, it is worth noting that before the session opened, I paid a courtesy call on the Council President, Dr. Assad Kotaite. During the brief discussion, he asked me to convey his personal regards to the Government of Uganda and in particular the Minister of Works, Housing and Communications. He expressed appreciation for the effective policies, which have revolutionised civil aviation industry in Uganda and turned it into a model for other States to emulate. He reiterated ICAO assurances and readiness to render any support or assistance that Uganda might require as she strives to modernise her air transport industry.

Compiled by **Kabbs Twijuke**
Director Air Transport
Civil Aviation Authority

DECLARATION ADOPTED BY THE COUNCIL
OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION
AT THE NINTH MEETING OF ITS 156TH SESSION ON 10 MARCH 1999

THE COUNCIL

HAVING CONSIDERED the request of the Government of the Democratic Republic of the Congo for consideration of the matters referred to in its letters dated 9 and 20 October 1998 to the President of the Council and in its verbal statement to the Council on 10 March 1999;

HAVING CONSIDERED the Statements of the Government of Rwanda and the Government of Uganda respectively to the Council on 10 March 1999 in relation to the above-mentioned request;

HAVING NOTED ALSO the Statements by the President of the Security Council of the United Nations dated 31 August and 11 December 1998 and the Press Release of the U.N. Secretary General dated 6 January 1999;

MINDFUL that any conflict could negatively affect the progress and development of international civil aviation, not only as a means of transport but also as an essential factor of socio-economic development;

DECLARES as follows:

1. The preamble of the *Convention on International Civil Aviation* stipulates that the development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to the general security;
2. The Assembly and the Council affirmed in their resolutions that the unlawful seizure of aircraft and other acts of unlawful interference against civil aviation, including acts aimed at the destruction of aircraft, have serious adverse effects on the safety, efficiency, and regularity of international civil aviation, endanger the lives of aircraft passengers and crew, and undermine the confidence of the peoples of the world in the safety of international civil aviation;
3. In accordance with Articles 1 and 2 of the *Convention on International Civil Aviation*, the Council recognizes the principle that every State has complete and exclusive sovereignty over the airspace above its territory, and that the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto;
4. In accordance with Article 3 *bis* of the Convention, States must refrain from the use of weapons against civil aircraft in flight as being incompatible with elementary considerations of humanity;
5. The protection of civil aviation from acts of unlawful interference has been enhanced by the Tokyo Convention (1963), The Hague Convention (1970), the Montreal Convention (1971) and the 1988 Protocol Supplementary to the Montreal Convention of 1971 as well as by Annex 17 to the *Convention on International Civil Aviation*;

6. The Council urges all States in exercising their authority under the *Convention on International Civil Aviation* and the aviation security conventions to be guided by the principles, rules, Standards and Recommended Practices laid down in these Conventions and in the Annexes to the *Convention on International Civil Aviation*;

7. The Council urges all States which have not yet done so to ratify as soon as possible Article 3 bis of the *Convention on International Civil Aviation* and to comply with all the provisions of this Article.

- END -

United Nations

A/53/PV.95



General Assembly

Fifty-third Session

95th plenary meeting
 Tuesday, 23 March 1999, 3 p.m.
 New York

Official Records

President: Mr. Operui (Uruguay)

Tribute to the memory of His Highness Shaikh Isa Bin Salman Al-Khalifa, late Amir of the State of Bahrain

The President (Interpretation from Spanish): This afternoon it is my sad duty to pay tribute to the memory of the late Amir of the State of Bahrain, His Highness Shaikh Isa Bin Salman Al-Khalifa, who passed away on 6 March 1999.

On behalf of the General Assembly, I request the representative of Bahrain to convey our condolences to the Government and the people of Bahrain and to the bereaved family of His Highness Shaikh Isa Bin Salman Al-Khalifa.

I invite representatives to stand and observe a minute of silence in tribute to the memory of His Highness Shaikh Isa Bin Salman Al-Khalifa.

The members of the General Assembly observed a minute of silence.

The President (spoke in Spanish): I now call on the representative of Tunisia, who will speak on behalf of the African States.

Mr. Hachani (Tunisia) (spoke in Arabic): On behalf of the New York delegations of the Group of African States I would first like to express our most sincere condolences to the leadership and the people of the State of Bahrain on the sudden passing of His Highness Shaikh Isa Bin Salman Al-Khalifa. I would like to express to you, Mr. Chairman, our sincere thanks for organizing this

meeting to pay tribute to this great man who suddenly passed away in the prime of life.

Today we pay tribute to an eminent leader whose wisdom and kindness were well known, a leader who devoted his life to building the modern State of Bahrain and to establishing its capacity to progress and prosper. He adopted foreign policies that made Bahrain a force for stability in the region and a focus of international admiration, trust and respect.

The African States join the international community in expressing their tribute to His Highness Shaikh Isa Bin Salman Al-Khalifa and their appreciation for his great achievements both within Bahrain and externally. Africa pays tribute to the effective role he played in promoting security for and cooperation with all peace-loving States and people.

Africa, which greatly appreciates its strong ties with all Arab countries, including Bahrain, considers the passing of His Highness a great loss to the whole world. We find consolation in the smooth transfer of power to His Excellency the new Amir of Bahrain, Shaikh Hamad Bin Isa Al-Khalifa. This ensures continued progress on the path towards peace, security and prosperity in the region.

The African Group, looking forward to maintaining its strong ties with Bahrain, wishes that country all success in its present endeavours.

99-85203 (E)



This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

monitoring force. The third phase is that of post-conflict peace-building, and in this respect we believe that the White Helmets initiative can make a useful contribution. During those three important stages the United Nations must vigorously support regional efforts, and Argentina is ready to cooperate to the best of its abilities.

There are, however, certain principles of international law that must be taken into account. First, there is an obligation to resolve the dispute peacefully. Mechanisms to achieve an inclusive dialogue must be found, without prejudging the legal status of the various actors involved. In this context, Argentina strongly supports the regional efforts and the Lusaka process.

Secondly, the rule of the inviolability of colonial borders is a principle of general international law and applies to the African continent as it does to the American. Thirdly, within the framework of respect for the principle of the territorial integrity of the Democratic Republic of the Congo, a system of safeguards that protects minorities' ethnic, cultural and religious identities can be established, as has been successfully done elsewhere. Fourthly, we reiterate the principle of non-interference in the internal affairs of other States, a principle that is incompatible with the presence of foreign forces without the prior agreement of the legitimate Government.

Finally, the serious violations of human rights and international humanitarian law that have occurred in the Democratic Republic of the Congo and that are offensive to the conscience of humankind as a whole must be properly investigated and punished. The presence of Mr. Roberto Garretón will certainly be useful, and we hope that the Government of the Democratic Republic of the Congo will fully cooperate with him.

The causes of conflict in Africa are many and require comprehensive responses. That is why we share the Secretary-General's view, as expressed in his report on Africa (A/52/871), submitted to us in April 1998, that such conflicts must be tackled comprehensively, uniting the essential elements of peace and security with sustainable development, democracy and good governance. In keeping with that approach, Argentina has maintained a presence in Africa to the best of its ability, and it has endeavoured to make mutually beneficial contributions in the areas of peacekeeping, humanitarian assistance, good governance and technical cooperation for development. Today, we renew this commitment.

In conclusion, I should like to say that, as the current coordinator of the Zone of Peace and Cooperation of the South Atlantic, Argentina is particularly interested in ensuring that the principle of the peaceful settlement of disputes and the values of freedom, democracy and respect for human rights prevail and prosper among all its member States.

Mr. Mbabazi (Uganda): In the early part of this session, my country had the opportunity to congratulate you, Sir, on your unanimous election to the presidency of the General Assembly at its fifty-third session. On this occasion, allow me once again to express our full confidence in you. My delegation, and indeed my country, has no doubt that the work of the General Assembly has been proceeding smoothly and productively under your expert guidance.

Because of a lack of thorough knowledge of the procedures here, my statement has not been distributed. As I understand it, the photographs that I attached to my statement as evidence of some of the things I am going to say could not be distributed by the Secretariat. But I am happy to say that the document will be available at the table as soon as I finish speaking.

The Government of the Democratic Republic of the Congo decided to present the crisis obtaining in that country to the General Assembly for debate. In particular, as members heard from its representative, the Democratic Republic of the Congo accused Uganda, among others, of aggression. At the outset, let me assure the Assembly of Uganda's reaffirmation of, and commitment to, the United Nations Charter, the Charter of the Organization of African Unity (OAU) and other regional and international conventions. Uganda has not behaved aggressively towards the Democratic Republic of the Congo, and neither is it responsible for the current crisis in that country, as the Government of the Democratic Republic of the Congo alleges. Uganda has neither territorial ambitions nor economic interests beyond the normal course of bilateral and regional economic cooperation. As I had occasion to mention to the Security Council last week, and as I have had occasion to say elsewhere, the crisis in the Democratic Republic of the Congo has internal and external dimensions, a fact that is regionally and internationally acknowledged now.

Allow me therefore to elaborate on this point in greater detail. When the National Resistance Movement (NRM) Government took power in Uganda in 1986,

President Mobutu had been in power for 20 years. President Mobutu was not exactly our hero in the policies he pursued and in the way he managed public affairs in the Congo, but for 10 years we coexisted.

After the 1994 Rwanda genocide, the *génocidaires* — the people who were responsible for that horrendous genocide, namely, the former Rwandan Armed Forces (FAR) and *interahamwe* militia — crossed into what was then Zaire with hundreds of thousands of refugees. As everyone knows, they then proceeded to hold these refugees hostage inside Zaire. The Mobutu Government then helped these *génocidaires* reorganize, rearm and retrain and gave them territorial support to recapture power in Rwanda. The Uganda Government totally opposed this move and made its position very clear.

In preparation for the intended recapture of power by the *génocidaires* in Rwanda, President Mobutu forged an alliance with the National Islamic Front regime in Khartoum, Sudan, not only to aid and abet the crime of genocide in Rwanda but also specifically to destabilize Uganda in the hope that Uganda would then not be in a position to support Rwanda. In fulfilment of this plan, attacks were launched on two fronts; one in north-western Uganda, in a region called West Nile, and the other in western Uganda, in the district of Kasesa. Both attacks were from Zairian territory. At the same time, the reorganization and rearming of *génocidaires* in the Democratic Republic of the Congo had reached an advanced stage. The Uganda Government decided to act in self-defence by first recapturing the territory these criminal elements had occupied and following them in hot pursuit into Zaire, as we are fully empowered to do under Article 51 of the United Nations Charter. It was this act of self-defence against the Democratic Republic of the Congo-based rebels, which was undertaken with regional and international understanding and support, that resulted in the fall of President Mobutu. President Kabila was a direct by-product of this process.

After President Kabila assumed power in the Democratic Republic of the Congo, we in Uganda had hoped that since he knew our security concerns, he would address them. Unfortunately, he did not. At that early stage, we understood the weakness of the structures that President Kabila had inherited from the Mobutu regime. President Kabila himself initially pleaded incapacity to handle this situation. That is why he invited Uganda to deploy the Uganda Peoples Defence Forces (UPDF) inside the Congo to flush out the Allied Democratic Forces (ADF) rebels who were operating from Congolese

territory. A protocol to this effect was signed between the Democratic Republic of the Congo and Uganda on 27 April 1998.

For some time, the joint operations that were the result of this protocol were successful. But this was not to last. The situation steadily deteriorated to the extent that some commanders in the armed forces of the Democratic Republic of the Congo not only became uncooperative but also started enjoying peaceful relations with commanders of the ADF rebels. Later, when the Congolese armed forces units in these areas mutinied, a leading rebel, who was the son of one of the senior commanders of the ADF, was found and captured in the house of President Kabila's brigade commander in that sector. The choice Uganda had was either to put down by force this mutiny, in support of Kabila, or to remain neutral as long as whoever was in control understood our primary objective of pursuing the ADF rebels. Uganda chose the latter precisely because the Uganda Government did not want to interfere in the internal affairs of the Democratic Republic of the Congo.

As the situation of the rebellion in the Democratic Republic of the Congo worsened, President Kabila — like his predecessor, Mobutu — went to Khartoum and worked out a deal with President Al-Bashir of the Sudan for the latter to step up support to the Ugandan rebels on the territory of the Democratic Republic of the Congo. Indeed, after that more Ugandan rebel groups were mobilized by the Sudan and moved to the Democratic Republic of the Congo. The support to Ugandan rebels by President Kabila's Government has itself since become evident. The Uganda Peoples Defence Forces and the Congolese rebels have captured many Ugandans belonging to various rebel groups operating inside the Congo. The Lord's Resistance Army, the Uganda National Rescue Front, the West Nile Bank Front, the Allied Democratic Forces, which I have just mentioned, and the former Uganda army, under the command of Idi Amin's son, Taban Amin, are now part and parcel of the pro-Kabila armed alliance led by Zimbabwe. This is in addition to the *génocidaires* of Rwanda, the *interahamwe* and the former FAR. These are criminal gangs that have inflicted untold misery on the people of Uganda. They attacked, for example, Kichwamba Technical College in western Uganda in June 1998. The students were locked inside their dormitories, which were then doused with petrol and set on fire. Those who tried to escape were gunned down. More than 50 students were burnt to death, and more than 100 of the survivors were abducted.

6. *The Congolese Rally for Democracy requested to hold bilateral talks with the delegation of the Democratic Republic of Congo and that this forms the only agenda item.*
7. *After extensive consultations on the matter, the Chairman ruled that neither the DRC nor the Committee had the mandate to facilitate bilateral talks within the framework. Further, the delegation of the DRC had declared the willingness of the DRC Government to hold bilateral talks with the rebels in a different framework.*
8. *In the course of deliberations, the Committee expressed disappointment at the walk out of the delegation of the Congolese Rally for Democracy from the meeting at this stage and hoped that it would involve itself in the peace process in the future.*
9. *However, the Committee decided to continue with its meeting in accordance with the prepared agenda.*
10. *At the end of the meeting, the Committee agreed to submit a report to the Chairman of the Council of Ministers on its deliberations on the draft document on the Modalities for the Implementation of the Ceasefire in the Democratic Republic of Congo, including the draft Calendar of the Implementation of the Cease-fire Agreement.*
11. *The Committee expressed its gratitude to His Excellency, Mr F J T CHILUBA, the President of Zambia, the Government and the people of Zambia for their warm welcome and hospitality.*

LUSAKA, 17 April, 1999

PRESS STATEMENT

1. *The second meeting of the Committee on the Implementation of the Cease-fire Agreement in the Democratic Republic of Congo was held in Lusaka from 16th to 17th April, 1999, under the Chairmanship of Zambia.*
2. *The Committee was established by the Regional Ministers of Foreign Affairs and Defence at their second Lusaka meeting, which was held from 15th to 16th January, 1999.*
3. *The Committee comprises the following; Zambia (Chairman), all belligerents, the Organisation of African Unity (OAU), the United Nations Organisation (UNO) and the Southern African Development Community (SADC).*
4. *The meeting was attended by representatives of the Republic of Zambia (Chairman), the Republic of Angola, the Democratic Republic of Congo, the Republic of Namibia, the Republic of Uganda, the Republic of Zimbabwe and the Organisation of African Unity (OAU). The delegation of the Congolese Rally for Democracy was invited for the first time. The Republic of Chad was represented by the Democratic Republic of Congo. The Republic of Rwanda, Southern African Development Community (SADC) and United Nations Organisation (UNO) did not attend.*
5. *The delegation of the Democratic Republic of Congo and the delegation of the Congolese Rally for Democracy expressed their commitment to the peace process. In addition, the Congolese Rally for Democracy attended the meeting.*

6. *The Congolese Rally for Democracy requested to hold bilateral talks with the delegation of the Democratic Republic of Congo and that this forms the only agenda item.*
7. *After extensive consultations on the matter, the Chairman ruled that neither the DRC nor the Committee had the mandate to facilitate bilateral talks within the framework. Further, the delegation of the DRC had declared the willingness of the DRC Government to hold bilateral talks with the rebels in a different framework.*
8. *In the course of deliberations, the Committee expressed disappointment at the walk out of the delegation of the Congolese Rally for Democracy from the meeting at this stage and hoped that it would involve itself in the peace process in the future.*
9. *However, the Committee decided to continue with its meeting in accordance with the prepared agenda.*
10. *At the end of the meeting, the Committee agreed to submit a report to the Chairman of the Council of Ministers on its deliberations on the draft document on the Modalities for the Implementation of the Ceasefire in the Democratic Republic of Congo, including the draft Calendar of the Implementation of the Cease-fire Agreement.*
11. *The Committee expressed its gratitude to His Excellency, Mr F J T CHILUBA, the President of Zambia, the Government and the people of Zambia for their warm welcome and hospitality.*

LUSAKA, 17 April, 1999



THE REPUBLIC OF UGANDA

Joint Communiqué

1. At the invitation of the Government of the Republic of Uganda, a delegation from the Democratic Republic of Congo (DRC), led by Hon. Mwenze Kongolo, Minister of Justice, paid a working visit to Uganda from 28th May to 1st June 1999. The President of the Republic of Uganda His Excellency Yoweri Kaguta Museveni granted audience to the DRC Government delegation. The DRC Government delegation held discussions with their Ugandan counterparts on the practical modalities for the implementation of the Sirte Peace Agreement signed in Libya on 18 April 1999. The list of the two delegations appears in Annex.

2. As a result of the discussions, the following positions were adopted:

- (a) It was noted that the Sirte Peace Agreement is a declaration of commitment to the ongoing Lusaka regional peace process. In this respect, the two delegations reaffirmed their commitment to the strengthening of the Sirte spirit by implementing the broad principles stipulated in the Agreement.

To this effect, the two delegations committed themselves to setting up a Committee of Experts that will work out practical modalities for the implementation of the afore-mentioned Agreement. The two delegations



THE REPUBLIC OF UGANDA

undertook to promote, in the shortest time possible, the Sirte spirit to all the parties involved in the DRC.

- (b) The two Governments would convince their respective allies to recognise the principles in the Sirte Agreement in order for all the parties involved in the DRC to contribute to a comprehensive and durable Peace Agreement.
- (c) The two delegations underscored the fact that the issue of the killers and mass murderers remains thorny in the implementation of the Sirte Agreement.
- (d) The two delegations concurred that sustainable peace, security and stability can only be achieved through real democracy in all the countries of the region. This implies putting in place concrete steps towards the realisation of good governance.

The meeting, therefore, welcomed the efforts being made by the DRC Government to meet armed and unarmed opposition and its commitment to opening national dialogue. In a like manner, the two delegations encouraged Uganda to do the same.

Uganda will continue to encourage the armed and unarmed opposition to take part in the initiatives taken by the DRC Government in its efforts to democratise the country.

5



THE REPUBLIC OF UGANDA

(e) The two delegations further agreed that the anticipated peace keeping force should, in the meantime, study the situation on the ground for the eventual deployment.

(f) The two delegations will meet in Kinshasa after the discussions by the Experts. The dates of the meeting will be set through the normal diplomatic channels.

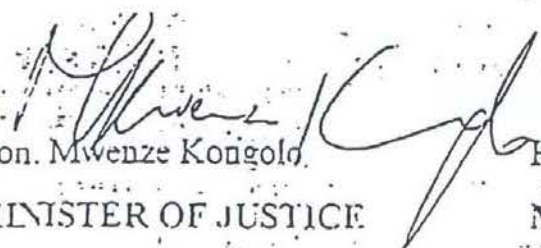
3. The meeting took place in a frank and brotherly atmosphere.

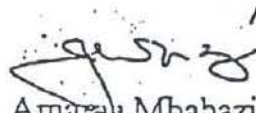
4. At the end of the visit, the Congolese delegation thanked the Ugandan government for its warm welcome and hospitality, and for its commitment to the search for a peaceful settlement of the conflict in the DRC.

Signed at Kampala on the 1st of June, 1999.

For the Democratic Republic of Congo

For the Republic of Uganda


Hon. Mwenze Kungolo
MINISTER OF JUSTICE


Hon. Amama Mbabazi
MINISTER OF STATE
FOR FOREIGN AFFAIRS
(REGIONAL COOPERATION)

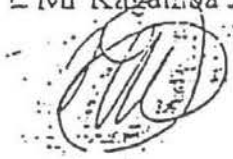


THE REPUBLIC OF UGANDA

ANNEX

Delegation of the Government of Uganda

1. Hon. Amama Mbabazi, Minister of State for Foreign Affairs
(Regional Cooperation)
2. Mr Ralph Ochan, Permanent Secretary/Ministry of
Foreign Affairs
3. Col. Henry Tumukunde, Chief of Military Intelligence
4. Mr Busho Ndinyenka, Deputy Director General of
External Security Organisation
5. H.E Kamanda Bataringaya, Ambassador of Uganda to the DRC
6. Mr Katende Mull, Head of East African Cooperation
and Ring States
7. Mr Kagamba J. Singoma, Interpreter





THE REPUBLIC OF UGANDA

ANNEX

Delegation of the Government of the DRC

1. Hon. Mwenze Kongolo, - Minister of Justice,
2. Hon Bemba Saolona, Minister of Economy and Industry
3. Hon Constantin Nono Lutula, Special Advisor to the President on Security
4. Mrs Isabelle Iboula, Chargée d'Affaires of the DRC Embassy in Uganda
5. Mr Nsenga Nkulu, Chief of Staff/Ministry of Justice
6. Mr Mundadi Ntita, Interpreter.
7. Mr Katalay Manyeka, Personal Assistant to the Minister of Economy and Industry
8. Mr Ngwale Richard, Counsellor of the Embassy of DRC in Uganda.

**AGREEMENT FOR A CEASEFIRE
IN THE
DEMOCRATIC REPUBLIC OF CONGO.**

CEASEFIRE AGREEMENT

PREAMBLE

We the Parties to this Agreement;

CONSIDERING Article 52 of the UN Charter on regional arrangements for dealing with matters relating to the maintenance of international peace and security as are appropriate for regional action;

REAFFIRMING the provisions of Article 3 of the OAU Charter which, inter alia, guarantee all Member States the right to their sovereignty and territorial integrity;

REAFFIRMING further Resolution AHG/16/1 adopted by the OAU Assembly of Heads of State and Government in 1964 in Cairo, Egypt, on territorial integrity and the inviolability of national boundaries as inherited at independence.

RECALLING the Pretoria Summit Communiqué dated 23rd August, 1998 re-affirming that all ethnic groups and nationalities whose people and territory constituted what became Congo (now DRC) at independence must enjoy equal rights and protection under the law as citizens.

DETERMINED to ensure the respect, by all Parties signatory to this Agreement, for the Geneva Conventions of 1949 and the Additional Protocols of 1977, and the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, as reiterated at the Entebbe Regional Summit of 25 March, 1998;

DETERMINED further to put to an immediate halt to any assistance, collaboration or giving of sanctuary to negative forces bent on destabilising neighbouring countries;

EMPHASISING the need to ensure that the principles of good neighbourliness and non-interference in the internal affairs of other countries are respected;

CONCERNED about the conflict in the Democratic Republic of Congo and its negative impact on the country and other countries in the Great Lake Region;

REITERATING the call made at the Second Victoria Falls Summit held from 7 to 8 September, 1998, as contained in the Joint Communiqué of the Summit, for the immediate cessation of hostilities;

COGNISANT of the fact that addressing the security concerns of the DR and neighbouring countries is central and would contribute to the peace process;

RECALLING the mandate, contained in the Victoria Falls II Joint Communiqué, given to the Ministers of Defence and other officials working in close cooperation with the OAU and the UN to establish the modalities for effecting an immediate ceasefire and put in place a mechanism for monitoring compliance with the ceasefire provisions;

RECALLING the United Nations Security Council Resolution 1230 of 9 April, 1999 and all other Resolutions and Decisions on the DRC since 2 August, 1998.

RECALLING further the Summit meetings of Victoria Falls I and Pretoria, Durban, Port Louis, Nairobi, Windhoek, Dodoma and the Lusaka and Gaborone Ministerial peace efforts on the DRC conflict;

RECALLING further the Peace Agreement signed on 18 April, 1999 in Sirte (Libya);

RECOGNISING that the conflict in the DRC has both internal and external dimensions that require intra-Congolese political negotiations and a commitment of the Parties to the implementation of this Agreement to resolve;

TAKING note of the commitment of the Congolese Government, the RCD, the MLC and all other Congolese political and civil organisations to hold an all inclusive National Dialogue aimed at realising national reconciliation and a new political dispensation in the DRC;

HEREBY AGREE AS FOLLOWS:-

ARTICLE I

THE CEASE-FIRE

1. The Parties agree to a cease-fire among all their forces in the DRC.
2. The cease-fire shall mean:
 - a. the cessation of hostilities between all the belligerent forces in the DRC, as provided for in this Cease-fire Agreement (hereinafter referred to as "the Agreement");
 - b. the effective cessation of hostilities, military movements and reinforcements, as well as hostile actions, including hostile propaganda;
 - c. a cessation of hostilities within 24 hours of the signing of the Cease-fire Agreement;
3. The Ceasefire shall entail the cessation of:-
 - a. all air, land, and sea attacks as well as all actions of sabotage;
 - b. attempts to occupy new ground positions and the movement of military forces and resources from one area to another, without prior agreement between the parties;
 - c. all acts of violence against the civilian population by respecting and protecting human rights. The acts of violence include summary executions, torture, harassment, detention and execution of civilians based on their ethnic origin; propaganda inciting ethnic and tribal hatred; arming civilians; recruitment and use of child soldiers; sexual violence; training and use of

terrorists; massacres, downing of civilian aircraft; and bombing the civilian population;

- d. supplies of ammunition and weaponry and other war-related stores to the field;
- e. any other actions that may impede the normal evolution of the cease-fire process.

ARTICLE II

SECURITY CONCERNS

4. On the coming into force of this Agreement the Parties commit themselves to immediately address the security concerns of the DRC and her neighbouring countries.

ARTICLE III

PRINCIPLES OF THE AGREEMENT

5. The provisions of paragraph 3 (c) do not preclude the supply of food, clothing and medical support for the military forces in the field.
6. The cease-fire shall guarantee the free movement of persons and goods throughout the national territory of the Democratic Republic of Congo.
7. On the coming into force of the Agreement, the Parties shall release persons detained or taken hostage and shall give them the latitude to relocate to any provinces within the DRC or country where their security will be guaranteed.
8. The Parties to the Agreement commit themselves to exchange prisoners of war and release any other persons detained as a result of the war.

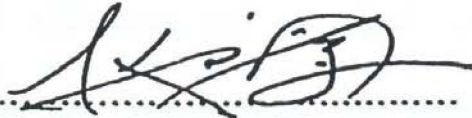
9. The Parties shall allow immediate and unhindered access to the International Committee of the Red Cross (ICRC) and Red Crescent for the purpose of arranging the release of prisoners of war and other persons detained as a result of the war as well as the recovery of the dead and the treatment of the wounded.
10. The Parties shall facilitate humanitarian assistance through the opening up of humanitarian corridors and creation of conditions conducive to the provision of urgent humanitarian assistance to displaced persons, refugees and other affected persons.
11.
 - a. The United Nations Security Council, acting under Chapter VII of the UN Charter and in collaboration with the OAU, shall be requested to constitute, facilitate and deploy an appropriate peacekeeping force in the DRC to ensure implementation of this Agreement; and taking into account the peculiar situation of the DRC, mandate the peacekeeping force to track down all armed groups in the DRC. In this respect, the UN Security Council shall provide the requisite mandate for the peace-keeping force.
 - b. The Parties shall constitute a Joint Military Commission (JMC) which shall, together with the UN/OAU Observer group be responsible for executing, immediately after the coming into force of this Agreement, peace-keeping operations until the deployment of the UN peace-keeping force. Its composition and mandate shall be as stipulated in Chapter 7 of Annex 'A' of this Agreement.
12. The final withdrawal of all foreign forces from the national territory of the DRC shall be carried out in accordance with the Calendar in Annex 'B' of this Agreement and a withdrawal schedule to be prepared by the UN, the OAU and the JMC.
13. The laying of mines of whatever type shall be prohibited.
14. There shall be immediate disengagement of forces in the areas where they are in direct contact.

15. Nothing in the Agreement shall in any way undermine the sovereignty and territorial integrity of the Democratic Republic of Congo.
16. The Parties re-affirm that all ethnic groups and nationalities whose people and territory constituted what became Congo (now DRC) at independence must enjoy equal rights and protection under the law as citizens.
17. The Parties to the Agreement shall take all necessary measures aimed at securing the normalisation of the situation along the international borders of the Democratic Republic of Congo, including the control of illicit trafficking of arms and the infiltration of armed groups.
18. In accordance with the terms of the Agreement and upon conclusion of the Inter-Congolese political negotiations, state administration shall be re-established throughout the national territory of the Democratic Republic of Congo.
19. On the coming into force of the Agreement, the Government of the DRC, the armed opposition, namely, the RCD and MLC as well as the unarmed opposition shall enter into an open national dialogue. These inter-Congolese political negotiations involving *les forces vives* shall lead to a new political dispensation and national reconciliation in the DRC. The inter-Congolese political negotiations shall be under the aegis of a neutral facilitator to be agreed upon by the Congolese parties. All the Parties commit themselves to supporting this dialogue and shall ensure that the inter-Congolese political negotiations are conducted in accordance with the provisions of Chapter 5 of Annex 'A'.
20. In accordance with the terms of the Agreement and upon the conclusion of the national dialogue, there shall be a mechanism for the formation of a national, restructured and integrated army, including the forces of the Congolese Parties who are signatories to this Agreement, on the basis of negotiations between the Government of the Democratic Republic of Congo and the RCD and MLC.

21. The Parties affirm the need to address the security concerns of the DRC and her neighbouring countries.
22. There shall be a mechanism for disarming militias and armed groups, including the genocidal forces. In this context, all Parties commit themselves to the process of locating, identifying, disarming and assembling all members of armed groups in the DRC. Countries of origin of members of the armed groups, commit themselves to taking all the necessary measures to facilitate their repatriation. Such measures may include the granting of amnesty in countries where such a measure has been deemed beneficial. It shall, however, not apply in the case of suspects of the crime of genocide. The Parties assume full responsibility of ensuring that armed groups operating alongside their troops or on the territory under their control, comply with the processes leading to the dismantling of those groups in particular.
23. The Parties shall ensure the implementation of the terms of the Agreement and its Annexes 'A' and 'B' which form an integral part of the Agreement.
24. The definitions of common terms used are at Annex 'C'.
25. The Agreement shall take effect 24 hours after signature.
26. The Agreement may be amended by agreement of the Parties and any such amendment shall be in writing and shall be signed by them in the same way as the Agreement.

IN WITNESS WHEREOF the duly authorised representatives of the Parties have signed the Agreement in the English, French and Portuguese languages, all texts being equally authentic.

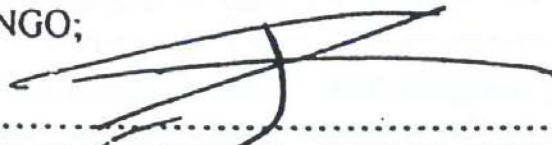
DONE AT LUSAKA (ZAMBIA) ON THIS *10th* DAY OF *July*, 19*94*



.....
FOR THE REPUBLIC OF ANGOLA;

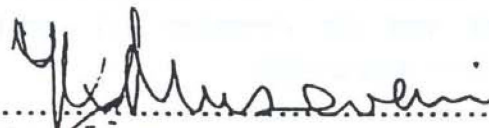


.....
FOR THE DEMOCRATIC REPUBLIC OF CONGO;

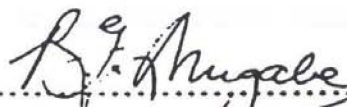


.....
FOR THE REPUBLIC OF NAMIBIA;

.....
FOR THE REPUBLIC OF RWANDA;



.....
FOR THE REPUBLIC OF UGANDA;

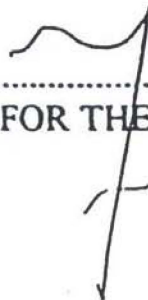


.....
FOR THE REPUBLIC OF ZIMBABWE;

Duly signed as per attached list :

.....
FOR THE CONGOLESE RALLY FOR DEMOCRACY (RCD);

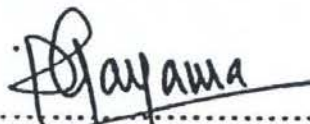
.....
FOR THE MOVEMENT FOR THE LIBERATION OF THE CONGO (MLC);



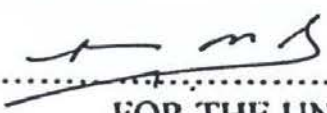
AS WITNESSES:-



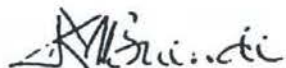
.....
FOR THE REPUBLIC OF ZAMBIA;



.....
FOR THE ORGANISATION OF AFRICAN UNITY



.....
FOR THE UNITED NATIONS



.....
FOR THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

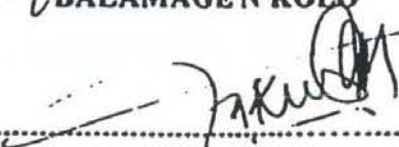
FOR AND ON BEHALF OF THE CONGOLESE RALLY FOR
DEMOCRACY, THE FOLLOWING FOUNDER MEMBERS HEREBY
APPEND THEIR SIGNATURES:-



BAITSURA MUSOWA



BALAMAGE N'KOLO

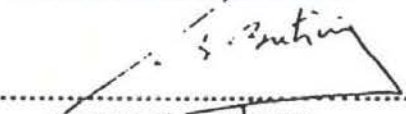


BALIKWISHA Jim

BAMPA MLIABYO



BARIHIMA Jean-Bosco



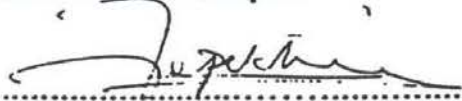
BIZIMA KARAHA



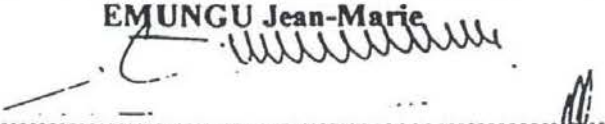
BUGERA Déogratias



DEPELCHIN Jacques



EMUNGU Jean-Marie



ENDUNDO BONONGE José

GASANA KARAKE Guillaume

GASHINGE Devote

HABARUGIRA Tharcisse

ILUNGA KALAMBO Emile

KALALA SHAMBUYI

KALENGA KYALUMBA

KAMANZI Emmanuel

KAMBALE BAHEKWA

KANANURA Stanislas

KANYAMUHANGA Léonard

KIRIVITA Bertia

[Handwritten signature]
21/11

KITEMBO Gertrude

[Handwritten signature]

LUMBALA Roger

[Handwritten signature]
OR

LUNDA BULULU

[Handwritten signature]

LUSSI KASEREKA

[Handwritten signature]

MAKABUZA Alexis

[Handwritten signature]

MBUSA NYAMWISI

[Handwritten signature]

MPABUKA Théophile

[Handwritten signature]

MUDUMBI Joseph

[Handwritten signature]

31-8-99

MUHETO Léon

[Handwritten signature]

.....
MUKINGI Oswald

.....
MUNDJO Antoine

.....
MUNEMBWE Elysé

.....
MUTUMBI Sylvain

.....
NGANGURA Etienne

.....
NYANGI Oda

.....
NYARUGABO Moïse

.....
NYONGOLO ALIMASI

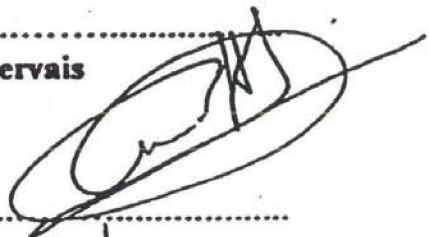
.....
ONDEKANE Jean-Pierre

.....
RUBERWA Azarias

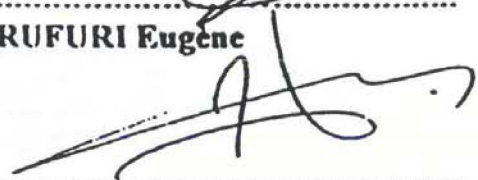
RUBIBI Joseph

MJK 31/8/99

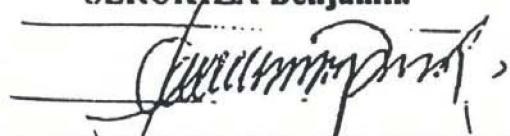
RUBONEKA Gervais



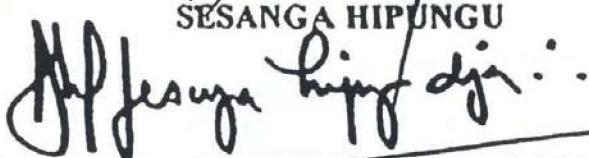
SERUFURI Eugene



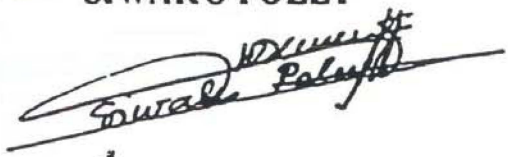
SERUKIZA Benjamin



SESANGA HIPUNGU



SFWAKO POLEY



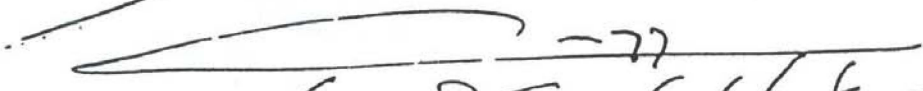
TANSIA Jean-Claude



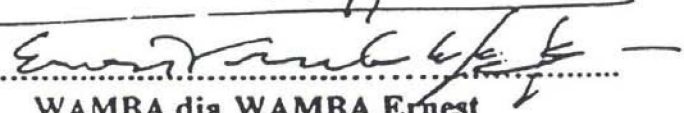
THAMBWE MWAMBA Alexis



TOMY TAMBWE



WAMBA dia WAMBA Ernest



ANNEX 'A' TO
THE CEASE-FIRE
AGREEMENT

MODALITIES FOR THE
IMPLEMENTATION OF THE
CEASE-FIRE AGREEMENT IN THE
DEMOCRATIC REPUBLIC OF CONGO

CHAPTER I

CESSATION OF HOSTILITIES

- 1.1 The Parties, shall announce a cessation of hostilities, to be effective 24 hours after the signing of the Cease-fire Agreement. The announcement of cessation of hostilities shall be disseminated by the parties through command channels, and it shall concurrently be communicated to the civil population via print and electronic media.
- 1.2 Until the deployment of United Nations/Organisation of African Unity (UN/OAU) observers, the cessation of hostilities shall be regulated and monitored by the Parties through the Joint Military Commission. With the deployment of UN/OAU observers, the responsibility of verification, control and monitoring of the cessation of hostilities and subsequent disengagement shall be reported through UN/OAU.
- 1.3 Any violation of the cessation of hostilities and subsequent events shall be reported to the Joint Military Commission and to the UN/OAU mechanisms through the agreed chain of command for investigation and action as necessary.

CHAPTER 2

DISENGAGEMENT

- 2.1 The disengagement of forces shall mean the immediate breaking of tactical contact between the opposing Military Forces of the Parties to this Agreement at places where they are in direct contact by the effective date and time of the Cease-Fire Agreement.

- 2.2 Where immediate disengagement is not possible, a framework and sequence of disengagement is to be agreed by all Parties through the Joint Military Commission/UN and OAU.
- 2.3 Immediate disengagement at the initiative of all military units shall be limited to the effective range of direct fire weapons. Further disengagement to pull all weapons out of range, shall be conducted under the guidance of the Joint Military Commission/UN/OAU .
- 2.4. Wherever disengagement by movement is impossible or impractical, alternative solutions requiring that weapons are rendered safe shall be designed by the Joint Military Commission/UN and OAU..

CHAPTER 3

RELEASE OF HOSTAGES AND EXCHANGE OF PRISONERS OF WAR

- 3.1 Upon the cease-fire taking effect, all Parties shall provide ICRC/Red Crescent with relevant information concerning their prisoners of war or persons detained because of the war. They shall subsequently accord every assistance to the ICRC/Red Crescent representatives to enable them to visit the prisoners and detainees and verify any details and ascertain their condition and status.

- 3.2 On the coming into force of the Agreement, the Parties shall release persons detained because of the war or taken hostage, ~~within three days of the signing of the Cease-fire Agreement~~ and the ICRC/Red Crescent shall give them all the necessary assistance including relocation to any provinces within the DRC or any other country where their security will be guaranteed.

CHAPTER 4

ORDERLY WITHDRAWAL OF ALL FOREIGN FORCES

- 4.1 The final orderly withdrawal of all foreign forces from the national territory of the Democratic Republic of Congo shall be in accordance with Annex 'B' of this Agreement.
- 4.2 The Joint Military Commission/OAU and UN shall draw up a definitive schedule for the orderly withdrawal of all foreign forces from the Democratic Republic of Congo.

CHAPTER 5

NATIONAL DIALOGUE AND RECONCILIATION

- 5.1 On the coming into force of the Cease-fire Agreement in the DRC, the Parties agree to do their utmost to facilitate the inter-Congolese political negotiations which should lead to a new political dispensation in the Democratic Republic of Congo.

5.2 In order to arrive at a new political dispensation and national reconciliation arising from the inter-Congolese political negotiations, the Parties agree upon the implementation of the following principles:

- i. the inter-Congolese political negotiations process shall include beside the Congolese parties, namely the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy and the Movement for the Liberation of Congo, the political opposition as well as representatives of the *forces vives*;
- ii. all the participants in the inter-Congolese political negotiations shall enjoy equal status;
- iii. all the resolutions adopted by the inter-Congolese political negotiations shall be binding on all the participants;

5.3 The Parties agree that the Organisation of African Unity shall assist the Democratic Republic of Congo in organising the inter-Congolese political negotiations under the aegis of a neutral facilitator chosen by the Parties by virtue of his/her moral authority, his/her international credibility and his/her experience.

5.4 For the success of the all inclusive inter-Congolese political negotiations leading to national reconciliation, the facilitator shall be responsible for:

- i. making the necessary contacts pertaining to the organisation of the inter-Congolese political negotiations within an environment which will cater for the security of all participants;

- ii. organising, in conjunction with the Congolese Parties, consultations with a view to inviting all the major organisations and groups of the recognised representative political opposition as well as the main representatives of the *forces vives*;
- iii. conducting, in accordance with the timetable, the discussions leading to the establishment of a new political dispensation in the Democratic Republic of Congo.

5.5 Without prejudice to other points that may be raised by the participants, the Congolese Parties shall agree:-

- i. the timetable and the rules of procedure of the inter-Congolese political negotiations;
- ii. the formation of a new Congolese National army whose soldiers shall originate from the Congolese Armed Forces, the armed forces of the RCD and the armed forces of the MLC;
- iii. the new political dispensation in the DRC, in particular the institutions to be established for good governance purposes in the DRC;
- iv. the process of free, democratic and transparent elections in the DRC;
- v. the draft of the Constitution which shall govern the DRC after the holding of the elections;

5.6 The calendar of the inter-Congolese political negotiations shall be as follows:

- i. Selection of a facilitator D-Day +15 days
- ii. Beginning of national dialogue D-Day +45 days
- iii. Deadline for the close of national dialogue
D-Day +90 days
- iv. Establishment of new institutions D-Day+91 days

CHAPTER 6

RE –ESTABLISHMENT OF THE STATE ADMINISTRATION OVER THE TERRITORY OF THE DEMOCRATIC REPUBLIC OF CONGO

- 6.1 In accordance with the terms of the Agreement and upon conclusion of the Inter-Congolese political negotiations, state administration shall be re-established throughout the national territory of the Democratic Republic of Congo.
- 6.2 On the coming into force of the Agreement, there shall be a consultative mechanism among the Congolese Parties which shall make it possible to carry out operations or actions throughout the national territory which are of general interest, more particularly in the fields of public health (e.g. national immunisation campaign), education (e.g. marking of secondary school leavers examinations), migrations, movement of persons and goods.

CHAPTER 7

THE JOINT MILITARY COMMISSION

- 7.1. The Joint Military Commission shall be answerable to a Political Committee composed of the Ministers of Foreign Affairs and Defence or any other representative duly appointed by each Party.
- 7.2. The Joint Military Commission shall be a decision making body composed of two representatives from each Party under a neutral Chairman appointed by the OAU in consultation with the Parties.
- 7.3. The Joint Military Commission shall reach its decisions by consensus.
- 7.4. The mandate of the Joint Military Commission shall be to :-
 - a. establish the location of Units at the time of the Cease-fire;
 - b. facilitate liaison between the Parties for the purpose of the Cease-fire;
 - c. assist in the disengagement of forces and the investigation of any cease-fire violations;
 - d. verify all information, data and activities relating to military forces of the Parties;

- e. verify the disengagement of the military forces of the Parties where they are in direct contact;
- f. work out mechanisms for disarming armed groups;
- g. verify the disarmament and quartering of all armed groups;
- h. and verify the disarmament of all Congolese civilians who are illegally armed; and
- i. monitor and verify orderly withdrawal of all foreign Forces.

7.5 The Parties commit themselves to providing the JMC with any relevant information on the organisation, equipment and locations of their forces, on the understanding that such information will be kept confidential.

CHAPTER 8

UNITED NATIONS PEACE-KEEPING MANDATE

8.1 The UN in collaboration with the OAU shall constitute, facilitate and deploy an appropriate force in the DRC to ensure implementation of this Agreement.

8.2 The mandate of the UN force shall include peacekeeping and peace enforcement operations as outlined below:-

8.2.1 Peacekeeping:

- a. Work with the JMC/OAU in the implementation of this Agreement;
- b. Observe and monitor the cessation of hostilities;
- c. Investigate violations of the Cease-fire Agreement and take necessary measures to ensure compliance;
- d. Supervise disengagement of forces of the Parties as stipulated in chapter 2 of this Annex;
- e. Supervise the re-deployment of forces of the Parties to Defensive Positions in conflict zones in accordance with Chapter 11 of this Agreement;
- f. Provide and maintain humanitarian assistance to and protect displaced persons, refugees and other affected persons;
- g. Keep the Parties to the Cease-fire Agreement informed of its peace-keeping operations;
- h. Collect weapons from civilians and ensure that the weapons so collected are properly accounted for and adequately secured;
- i. In collaboration with JMC/OAU, schedule and supervise the withdrawal of all foreign forces;

- j. Verify all information, data and activities relating to military forces of the Parties.

8.2.2 Peace Enforcement:

- a. Tracking down and disarming Armed Groups;
 - b. Screening mass killers, perpetrators of crimes against humanity and other war criminals;
 - c. Handing over “genocidaires” to the International Crimes Tribunal for Rwanda;
 - d. Repatriation;
 - e. Working out such measures (persuasive or coercive) as are appropriate for the attainment of the objectives of disarming, assembling, repatriation and reintegration into society of members of the Armed Groups.
- 8.3 Composition of the UN Peace-keeping forces shall be selected from countries acceptable to all the Parties.
- 8.4 The Joint Military Commission shall, immediately upon the coming into force of the Agreement, be responsible for executing peace-keeping operations until the deployment of the UN Peace-keeping force.

CHAPTER 9

DISARMAMENT OF ARMED GROUPS

- 9.1 The JMC with the assistance of the UN/OAU shall work out mechanisms for the tracking, disarming, cantoning and

documenting of all armed groups in the DRC, including ex-FAR, ADF, LRA, UNRF11, *Interahamwe*, FUNA, FDD, WBNF, UNITA and put in place measures for:-

- a. handing over to the UN International Tribunal and national courts, mass killers and perpetrators of crimes against humanity; and
 - b. handling of other war criminals.
- 9.2 The Parties together with the UN and other countries with security concerns, shall create conditions conducive to the attainment of the objective set out in 9.1 above, which conditions may include the granting of amnesty and political asylum, except for genocidaires. The Parties shall also encourage inter-community dialogue.

CHAPTER 10

FORMATION OF A NATIONAL ARMY

- 10.1 In accordance with the terms of the Agreement and following the inter-Congolese political negotiations, there shall be a mechanism taking into account, among others, the physical check of troops, the precise identification of troops, the precise identification of all elements with regard to their origin, date of their enlistment, the units to which they belong, as well as the identification of terrorists and the count of weapons of war distributed in the framework of irregular ("parallel") civil defence groups, for the formation of a national army, restructured and integrated, including the forces of the Congolese Parties signatories to the Agreement, on the basis of negotiations between the Government of the

Democratic Republic of Congo, the Congolese Rally for Democracy and the Movement for the Liberation of the Congo.

CHAPTER 11

RE-DEPLOYMENT OF FORCES OF THE PARTIES, TO DEFENSIVE POSITIONS IN CONFLICT ZONES

- 11.1 Following disengagement, all forces shall re-deploy to defensive positions.
- 11.2 The positions where units are located shall be identified and recorded by the JMC/OAU and UN.
- 11.3 Upon re-deployment to defensive positions, all forces shall provide relevant information on troop strength, armaments and weapons they hold in each location, to the JMC, OAU and UN mechanisms.
- 11.4 The JMC shall verify the reported data and information. All forces shall be restricted to the declared and recorded locations and all movements shall be authorised by the JMC, OAU and UN mechanisms. All forces shall remain in the declared and recorded locations until:
 - a. in the case of foreign forces, withdrawal has started in accordance with JMC/OAU, UN withdrawal schedule; and
 - b. in the case of FAC and RCD/MLC forces, in accordance with their negotiated agreement.

**NORMALISATION OF THE SECURITY SITUATION
ALONG THE COMMON BORDERS BETWEEN THE
DEMOCRATIC REPUBLIC OF CONGO AND ITS
NEIGHBOURS**

- 12.1 Normalisation of the security situation along the common borders between the Democratic Republic of Congo and its neighbours requires each country:-
- a. Not to arm, train, harbour on its territory, or render in any form of support to subversive elements or armed opposition movements for the purpose of destabilising the others;
 - b. To report all strange or hostile movements detected in either country along the common borders;
 - c. To identify and evaluate border problems and cooperate in defining methods to peacefully solve them;
 - d. To address the problem of armed groups in the Democratic Republic of Congo in accordance with the terms of the Agreement.

CHAPTER 13

**CALENDAR FOR THE IMPLEMENTATION OF THE
CEASE-FIRE AGREEMENT**

The Calendar for the implementation of the Cease-fire Agreement is contained in annex B.

**CALENDAR FOR THE IMPLEMENTATION OF
CEASE-FIRE AGREEMENT**

Major Cease-fire Events

Proposed Calendar

- | | |
|---|---|
| 1. Formal signing of the Cease-fire. | D – Day |
| 2. Announcement of and dissemination of information on cease-fire by all Parties. | D – Day + 24 hours |
| 3. Cessation of Hostilities, including cessation of Hostile Propaganda. | D – Day + 24 hours |
| 4. Release of hostages | D – Day + 3 days |
| 5. Establishment of Joint Military Commission and Observer Groups. | D – Day + 0 hours →
D – Day + 7 days |

- | | | |
|-----|--|--------------------------------------|
| 6. | Disengagement of Forces | D – Day + 14 days |
| 7. | Selection of a facilitator | D – Day + 15 days |
| 8. | Redeployment of the Forces
of the Parties in the conflict
Zones. | D – Day+15 days →
D-Day + 30 days |
| 9. | Provide information to the
JMC, OAU and UN
Mechanism. | D -- Day + 21 days |
| 10. | Mobilisation of OAU Observers | D -- Day + 30 days |
| 11. | Release/Exchange of Prisoners
of War | D – Day +7 days → D + 30
days |
| 12. | Beginning of National Dialogue | D – Day + 45 days |
| 13. | Deadline for the closure of the
National Dialogue. | D -- Day + 90 days |
| 14. | Establishment of New
Institutions. | D – Day + 91 days |
| 15. | Deployment of UN Peace
Keeping Mission. | D – Day + 120 days |

- | | |
|---|--|
| 16. Disarmament of Armed Groups | D - Day + 30 days →
D - Day + 120 days |
| 17. Orderly Withdrawal of all Foreign Forces. | D - Day + 180 days |
| 18. Verification and Monitoring | D - Day + 7 days →
D - Day + 180 days (renewable) |
| 19. Re-establishment of State Administration | D - Day + 90 days →
D - Day + 270 days |
| 20. Disarmament of Non-Military Personnel | D - Day + 360 days |
| 21. Measures to normalise the security situation along the International borders. | D - Day + 30 days →
D - Day + 360 days |

ANNEX 'C' TO THE
CEASEFIRE AGREEMENT

DEFINITIONS

"Armed groups", means forces other than Government forces, RCD and MLC that are not signatories to this agreement. They include ex-FAR, ADF, LRA, UNRF II, NALU Interahamwe militias, FUNA, FDD, WNB, UNITA and any other forces.

"Forces of the Parties", means the forces of the signatories to the Agreement.

"Parties", means signatories to the Agreement.

"Great Lakes region", means the group of states within or bordering the Great Rift Valley system of East and Central Africa.

"National Dialogue", means the process involving all stakeholders in the inter-Congolese political negotiations with a view to installing a new political dispensation which will bring about national reconciliation and the early holding of free and fair democratic elections.

"Forces Vives" means all the stakeholders representatives of the civil society such as the churches, Trade Unions etc.

"Cease-fire Agreement", means this document and its Annexes.

"Interahamwe" means armed militias who carried out genocide in Rwanda in 1994.

ABBREVIATIONS

<i>ADF</i>	-	<i>Allied Democratic Forces</i>
<i>Ex-FAR</i>	-	<i>Former Rwandese Armed Forces</i>
<i>FDD</i>	-	<i>Forces for the Defence of Democracy of Burundi</i>
<i>FUNA</i>	-	<i>Former Uganda National Army</i>
<i>LRA</i>	-	<i>Lord's Resistance Army</i>
<i>UNRF II</i>	-	<i>Uganda National Rescue Front II</i>
<i>UN</i>	-	<i>United Nations Organisation</i>
<i>OAU</i>	-	<i>Organisation of African Unity</i>
<i>RCD</i>	-	<i>Congolese Rally for Democracy</i>
<i>MLC</i>	-	<i>Movement for the Liberation of Congo</i>
<i>SADC</i>	-	<i>Southern Africa Development community</i>
<i>DRC</i>	-	<i>Democratic Republic of Congo</i>
<i>JMC</i>	-	<i>Joint Military Commission</i>
<i>ICRC</i>	-	<i>International Committee of the Red Cross Red Crescent</i>
<i>FAC</i>	-	<i>Congolese Armed Forces</i>
<i>WNBF</i>	-	<i>West Nile Bank Front</i>
<i>UNITA</i>	-	<i>National Union for the Total Independence of Angola</i>
<i>NALU</i>	-	<i>National Army for the Liberation of Uganda</i>

CERTIFICATION

The undersigned Agent of the Republic of Uganda hereby certifies that the texts of the Documents reproduced in this Volume, as attachments to the Counter-Memorial submitted by Uganda in the proceedings relating to *Democratic of the Congo v. Uganda*, are accurate copies of the texts of the documents they purport to reproduce.

21 April 2001

Honourable Bart M. Katureebe
Attorney General
Republic of Uganda
(signed)

Agent of the Republic of Uganda